



16 May 1989  
OCA 1623-89

MEMORANDUM FOR: Comptroller  
SA/CONG/DO  
Director, Security Evaluation Office  
Deputy Director for Physical & Technical  
Security/OS  
Deputy Director for Personnel Security/OS  
Executive Officer/OP

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FROM: [redacted]  
Legislation Division  
Office of Congressional Affairs

SUBJECT: FY90 State Authorization Bill, S. 928

1. Attached for your information and review is a copy of another Senate version of the Department of State Authorization Bill. There are several provisions in this bill which are of interest to the Agency and which do not appear in the prior Senate version or the House-passed version.

2. Section 107 prohibits Federal officers and employees from soliciting funds from others to further objectives, including intelligence objectives, expressly forbidden under the law. Violation of this provision would be punishable by fine and/or up to five years in prison. Section 108 prohibits Federal assistance to a foreign country if the assistance would further illegal intelligence activity. Section 801 proscribes direct or indirect assistance to the Khmer Rouge or any group associated with it, except for humanitarian assistance.

3. Both Senate bills are scheduled for markup on 16 May. Should these provisions remain in the version voted out by the Foreign Relations Committee, we shall work with the Intelligence Committee before the bill goes to the Senate floor for a vote. We shall also keep you apprised of other actions taken regarding these and any other provisions which may affect the Agency. Should you have questions or comments, you may telephone me on [redacted]

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Attachment [redacted]

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ated, and at the core of this legislation lies their findings.

The equity achieved in this legislation is indeed a reflection of the work and cooperation that came from all participants. I would like to thank Senator SASSER for his work in bringing the States and the executive and legislative branches together again to work out a final draft of this legislation which passed the full Senate last year and is being introduced today.

For the record, I want to say a little about why this bill authorizes the exchange of interest between the Federal Government and the States. The interest exchange provision in the bill provides an incentive for the timely payment of funds. If this were a perfect world, this provision would not be needed. But, unfortunately, experience has shown that States don't always get funds from the Federal Government when they need them, and not all States have historically waited until they need funds, to draw them down. Clearly, we must develop cash transfer policies that are fair, uniform, predictable and enforceable.

To accomplish this end, the bill utilizes the making whole concept in that whoever has use of the money pays for it, compensating the other party for any loss of investment opportunity. Added to the bill is authority for the Treasury Department to penalize an agency that is chronically poor in its cash management. There is a similar statute for the collection activity which was used as a model for disbursements in this legislation.

It is also important to point out that States need not choose a funding option that calls for the interest exchange. Options are available that would not require the exchange of interest, and the U.S. Treasury will work with States to ensure a mutually agreeable option for the drawing down of funds. The bill calls for the establishment of cash management practices which allow that neither the Federal or State Governments prosper or suffer financially as the result of the transfer of funds.

I think it noteworthy that both the National Association of State Auditors, Comptrollers and Treasurers and the National Association of State Budget Officers have called for enactment of the ideas in this legislation. These groups have had members on the State/Federal Cash Management Reform Task Force since its inception, and they endorse the content of the bill, which closely follows the legislation developed by the Task Force.

The Congressional Budget Office has looked at this legislation for cost savings, and has concluded, based on past Treasury information, that it should save the Federal Government between \$35 to \$50 million a year. This bill can be a key to building a strong level of trust and confidence in the intergovernmental financing process, as it is based on tested principles that have been mutually agreed upon. This

is a timely piece of legislation both in concept and in result.

This bill is an excellent example of how the legislative process should work. It has been debated by the parties involved and a compromise, satisfactory to all, has been drafted for the consideration of Congress. Partners in this effort have been Senators on both sides of the aisle, the Treasury, and the States. The bill will save the taxpayer money, and will make government run more smoothly. Further it has previously passed the Senate. As I have said before, this is a piece of legislation whose time has come.●

By Mr. PELL:

**S. 928.** A bill to authorize appropriations for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting for fiscal year 1990, and for other purposes; to the Committee on Foreign Relations.

**FOREIGN RELATIONS AUTHORIZATION ACT**

• Mr. PELL. Mr. President, I am today introducing the Foreign Relations Authorization Act for fiscal year 1990. This legislation provides authority for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting. In addition, it includes a significant expansion of U.S. global environment legislation and important policy provisions, including a ban on any assistance that might directly or indirectly benefit the murderous Khmer Rouge in Cambodia.

This legislation increases funding for these foreign affairs agencies by \$300 million over last year's appropriated levels. Most of this increase goes to meet U.S. treaty obligations to the United Nations and the specialized agencies. In the last year the United Nations has proven its value, helping end the bloody Iran-Iraq War, helping bring peace and independence to Namibia, and facilitating the Soviet withdrawal from Afghanistan. It is a source of embarrassment that the United States has not paid its dues to the United Nations and this bill will help rectify that situation.

Unfortunately, the budget summit agreement does not provide sufficient funding to pay for other essential increases in our foreign affairs agencies. Reluctantly, this bill defers the new transmitter for the VOA and Radio Free Europe that was slated to be built in Israel. In addition, we are unable to do more for the State Department and USIA than maintain current services. In some cases, this bill also makes real cuts. The failure to fully fund our foreign affairs agencies does real damage to our national security; it is the tragic price we must pay for 8 years of spend, spend, borrow, borrow.

This bill includes numerous policy provisions. I would like to call my colleagues' attention to several. In the international environmental area, the

bill includes language cosponsored by Senators BIDEN, LUGAR, and myself to significantly expand our international programs including preliminary authorization for "debt for nature" swaps. A provision offered by Senator MOYNIHAN seeks to ensure respect for our Constitution by criminalizing efforts to circumvent congressional prohibitions by having other countries do what we cannot.

Finally, I would like to call attention to a human rights provision I consider paramount. This bill includes language to prohibit assistance of any kind to the Khmer Rouge and to any Cambodian military or political group in alliance or association with the Khmer Rouge. With the Vietnamese withdrawal at hand, we must ensure that there is no role in any future Cambodian Government for the murderers who slaughtered over 1 million Cambodians in the 4-year period 1975-79. Rather than accepting the Khmer Rouge as a part of the Cambodian landscape, as some in our Government have suggested, this bill urges the President to do what is necessary to bring them to the bar of justice for the crime of genocide.

I ask unanimous consent that the text of the Foreign Relations Authorization Act for fiscal year 1990 be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

**S. 928**

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Foreign Relations Authorization Act for Fiscal Year 1990."

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

**TITLE I.—THE DEPARTMENT OF STATE**

**PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATION OF FUNDS**

Sec. 101. Administration of foreign affairs.

Sec. 102. Contributions to international organizations and conferences.

Sec. 103. International commissions.

Sec. 104. Other programs.

Sec. 105. Migration and refugee assistance.

Sec. 106. Availability of funds.

Sec. 107. Prohibition on solicitation of funds to further illegal activities.

Sec. 108. Prohibition on assisting third-party countries to further prohibited United States Government actions.

**PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES; FOREIGN MISSIONS**

Sec. 110. Authorization of certain operational activities.

Sec. 111. Fees and reimbursements.

Sec. 112. International center.

Sec. 113. Acquisition of domestic property as interim step to acquiring property abroad.

Sec. 114. Working capital fund for Office of Foreign Missions.

Sec. 115. Middle East reports.

Sec. 116. Munitions control registration fees.

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- Sec. 117. Use of herbicides for drug eradication.
- Sec. 118. Support for the Benjamin Franklin House Museum and Library.
- Sec. 119. International Boundary & Water Commission.
- Sec. 120. Diplomatic and consular posts abroad.
- Sec. 121. Consular officer duties.
- Sec. 122. Access to criminal records.
- Sec. 123. State Department post offices abroad.
- Sec. 124. Authority of Diplomatic Security Service.
- Sec. 125. Prohibition on the use of military items in Tibet.
- Sec. 126. Opening an American Consulate in Bratislava.
- Sec. 127. Construction of United States Embassy in Ottawa.
- Sec. 128. Assistant Secretary of State for South Asia.
- Sec. 129. Visiting Scholars Program for the Foreign Service Institute.

**PART C—DIPLOMATIC IMMUNITY, RECIPROCITY AND SECURITY**

- Sec. 130. Exclusion of aliens previously involved in a serious criminal offense committed in the United States.
- Sec. 131. United States-Soviet reciprocity in matters relating to Embassies.
- Sec. 132. United States-Soviet Embassy agreement.
- Sec. 133. Child care facilities at certain posts abroad.
- Sec. 134. State Department contractor exemption to Polygraph Protection Act.

**PART D—PERSONNEL**

- Sec. 140. Authority to transfer retirement contributions for Foreign Service nationals to local plans.
- Sec. 141. Judicial review—separation for cause.
- Sec. 142. Travel, leave, and other benefits.
- Sec. 143. Amendments to title 5, United States Code.
- Sec. 144. Credit for service at unhealthful posts.
- Sec. 145. Former spouses of USIA and AID employees.
- Sec. 146. Grants for institutions and students and training in international affairs.
- Sec. 147. Expansion of model foreign language competence posts.
- Sec. 148. Report on foreign language entrance requirement for the Foreign Service.
- Sec. 149. Foreign Service promotion panels.
- Sec. 150. Change in the employee evaluation report.

**TITLE II—UNITED STATES INFORMATION AGENCY**

- Sec. 201. Authorization of appropriations; allocation of funds.
- Sec. 202. Voice of America.
- Sec. 203. Bureau of Educational and Cultural Affairs.
- Sec. 204. National Endowment for Democracy.
- Sec. 205. East-West Center.
- Sec. 206. Fees for USIA publications and other programs.
- Sec. 207. Diplomatic Construction Program.
- Sec. 208. Foreign Language Services.
- Sec. 209. Dissemination of information within the United States.
- Sec. 210. Establishment of the J. William Fulbright Scholarship Board.
- Sec. 211. USIA satellite and television.
- Sec. 212. Free enterprise system in television.
- Sec. 213. Citizen exchanges.

- Sec. 214. Scholarships for Tibetans.
- Sec. 215. United States-Soviet exchanges.
- Sec. 216. Voice of America hiring practices.
- Sec. 217. Distribution within the United States of USIA film entitled "Long Journey Home."

**TITLE III—BOARD FOR INTERNATIONAL BROADCASTING**

- Sec. 301. Authorization of appropriations.
- Sec. 302. Procurement of legal services.
- Sec. 303. Radio Free Afghanistan.

**TITLE IV—INTERNATIONAL ORGANIZATIONS**

- Sec. 401. United States membership in International Sugar Organization.
- Sec. 402. Reform in budget-making at the United Nations and its specialized agencies.
- Sec. 403. United Nations voting practices amendment.
- Sec. 404. Membership of the PLO in United Nations agencies.

**TITLE V—REFUGEE AND OTHER PROVISIONS**

- Sec. 501. United Nations High Commissioner for Refugees Audit Requirement.
- Sec. 502. Worldwide refugee protection.
- Sec. 503. Prohibition on exclusion or deportation of non-resident aliens.

**TITLE VI—GLOBAL ENVIRONMENT PROTECTION ACT**

- Sec. 601. Short title.

**PART A—COMMERCIAL AND GOVERNMENTAL DEBT-FOR-NATURE EXCHANGES**

- Sec. 610. Amendment to the Foreign Assistance Act.

**PART B—MULTILATERAL FOREIGN ASSISTANCE COORDINATION**

- Sec. 620. General policy.

- Sec. 621. Policy on negotiations.

**PART C—INTERNATIONAL DEBT EXCHANGE INSTITUTION**

- Sec. 630. Establishment of an International Debt Exchange Institute.

- Sec. 631. Report.

**PART D—SALE OF AGRICULTURAL COMMODITIES**

- Sec. 640. Amendment to the Agricultural Trade Development and Assistance Act of 1954.

**PART E—MONTREAL PROTOCOL TO PROTECT THE OZONE**

- Sec. 650. Policy in favor of reopening the Montreal protocol.

**PART F—WILDLIFE PROTECTION**

- Sec. 660. Elephant protection.

- Sec. 661. Authorization for membership in the International Tropical Timber Organization.

- Sec. 662. Authorization for membership in the International Union for the Conservation of Nature and Natural Resources.

- Sec. 663. Authorization of appropriations for membership in wildlife conventions.

**TITLE VII—TELEVISION BROADCASTING TO CUBA ACT**

- Sec. 701. Short title.

- Sec. 702. Purpose.

- Sec. 703. Additional functions of the United States Information Agency.

- Sec. 704. Cuba television service of the United States Information Service.

- Sec. 705. Amendments to the Radio Broadcasting to Cuba Act.

- Sec. 706. Assistance from other Government agencies.

- Sec. 707. Authorization of appropriations.

- Sec. 708. Definitions.

- Sec. 709. Sense of Congress.

**TITLE VII—POLICY PROVISIONS**

- Sec. 801. Policy on Cambodia.

**TITLE I—THE DEPARTMENT OF STATE****PART A—AUTHORIZATION OF APPROPRIATIONS; ALLOCATION OF FUNDS****SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.**

The following amounts are authorized to be appropriated for fiscal year 1990 for the Department of State for the "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) For "Salaries and Expenses" of the Department of State, including salaries and expenses for the Diplomatic Security program. \$1,769,052,000.

(2) For the "Office of the Inspector General." \$18,672,000.

(3) For the "Acquisition and Maintenance of Buildings Abroad." \$218,900,000.

(4) For "Representation Allowances." \$9,100,000.

(5) For the "Protection of Foreign Missions and Officials." \$4,600,000.

(6) For "Emergencies in the Diplomatic and Consular Service." \$4,700,000.

(7) For the "American Institute in Taiwan." \$11,300,000.

**SEC. 102. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND CONFERENCES.**

The following amounts are authorized to be appropriated for contributions to "International Organizations and Conferences," for fiscal year 1990:

(1) For "Contributions to International Organizations." \$714,927,000.

(2) For "Contributions for International Peacekeeping Activities." \$111,184,000.

(3) For "International Conferences and Contingencies." \$6,340,000.

**SEC. 103. INTERNATIONAL COMMISSIONS.**

The following amounts are authorized to be appropriated for contributions to "International Commissions," for fiscal year 1990:

(1) For the salaries and expenses of the "International Boundary and Water Commission, United States and Mexico." \$10,460,000.

(2) For construction projects for the "International Boundary and Water Commission, United States and Mexico." \$11,500,000.

(3) For the "International Boundary Commission, United States and Canada." \$750,000.

(4) For the "International Joint Commission." \$3,750,000.

(5) For "International Fisheries Commissions." \$11,000,000.

**SEC. 104. OTHER PROGRAMS.**

The following amounts are authorized to be appropriated for the Department of State for fiscal year 1990 to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) For "United States Bilateral Science and Technology Agreements." \$4,000,000.

(2) For "Soviet-East European Research and Training." \$5,000,000.

(3) For the "Asia Foundation." \$18,000,000.

**SEC. 105. MIGRATION AND REFUGEE ASSISTANCE.**

There is authorized to be appropriated for "Migration and Refugee Assistance" \$370,000,000 for fiscal year 1990, of which \$25,000,000 shall be available only for assistance for refugees resettling in Israel.

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## AVAILABILITY OF FUNDS.

(a) Section 24 of the State Department Basic Authorities Act is amended—  
 (1) by renumbering subsections (b)(4)–(b)(6) as (b)(5)–(b)(7) and by inserting as new subsection (b)(4):

"(b)(4) No later than the end of the second fiscal year following the last fiscal year for which appropriations (other than no-year appropriations) for any account under the heading 'Administration of Foreign Affairs' have been made available to the Department of State, amounts obligated during the period of availability may, if deobligated after expiration of the period of availability for obligation for such appropriations, be transferred into and merged with the Buying Power Maintenance Account"; and

(2) by inserting the following new subsections (e) and (f):

"(e) If the amount appropriated (or made available in the event of a sequestration order issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177, as amended) for a fiscal year pursuant to any authorization of appropriations provided by an act other than an appropriation act is less than the authorization amount and a provision of that act provides that specified amount of the authorization amount shall be available only for a certain purpose, then the amount so specified shall be deemed to be reduced for that fiscal year to the amount which bears the same ratio to the specified amount as the amount appropriated (or made available in the event of sequestration) bears to the authorization amount.

"(f) Amounts authorized to be appropriated for a fiscal year for the Department of State are authorized to be obligated for twelve month contracts which are to be performed in two fiscal years, provided that the total amount for such contracts is obligated in the earlier fiscal year."

(b) Subsection (a) shall apply only to funds appropriated for fiscal year 1987 and thereafter. In the case of appropriations provided for fiscal years 1987 and 1988, it shall apply only to funds which become obligated after the date of enactment of this Act.

## SEC. 107. PROHIBITION ON SOLICITATION OF FUNDS TO FURTHER ILLEGAL ACTIVITIES.

Title I of the State Department Basic Authorities Act of 1958 is amended by—

(a) by redesignating section 42 as section 43; and

(b) by inserting after section 41 the following new section:

## "SEC. 108. PROHIBITION ON SOLICITATION OF FUNDS TO FURTHER ILLEGAL ACTIVITIES.

(a) PROHIBITION.—Notwithstanding any other provision of law, no officer or employee of the United States Government may solicit the provision of funds by any foreign government (including any instrumentality or agency thereof), foreign person, or United States person, for the purpose of furthering any military, foreign policy, or intelligence objective expressly prohibited by United States law.

(b) PENALTY.—Any person who violates the provision of subsection (a) shall be imprisoned not more than five years or fined in accordance with title 18, United States Code, or both.

(c) DEFINITION.—For purposes of this section, the term 'person' includes (1) any natural person, (2) any corporation, partnership, or other legal entity, and (3) any organization, association, or other group."

## SEC. 108. PROHIBITION ON ASSISTING THIRD PARTY COUNTRIES TO FURTHER PROHIBITED UNITED STATES GOVERNMENT ACTIONS.

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

## "SEC. 620F. PROHIBITION ON ASSISTING THIRD PARTY COUNTRIES TO FURTHER PROHIBITED UNITED STATES GOVERNMENT ACTIONS.

"(a) PROHIBITION.—Notwithstanding any other provision of law, no United States assistance shall be provided for a foreign country if the purpose or effect of that assistance would be to further any military, foreign policy, or intelligence activity expressly prohibited by United States law.

"(b) DEFINITION.—For purposes of this section, the term 'United States assistance' means—

"(1) assistance of any kind under the Foreign Assistance Act of 1961;

"(2) sales, credits, and guarantees under the Arms Export Control Act;

"(3) export licenses issued under the Arms Export Control Act; and

"(4) activities authorized pursuant to the National Security Act of 1947 (50 U.S.C. 410 et seq.), the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), or Executive Order Number 12333 (December 4, 1981)."

## PART B—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES; FOREIGN MISSIONS

## SEC. 110. AUTHORIZATION OF CERTAIN OPERATION AL ACTIVITIES.

Section 2 of the State Department Basic Authorities Act is amended—

(a) in subsection (g) by deleting "and" at the end;

(b) in subsection (h) by deleting the ":" and inserting in its place ";" and

(c) by inserting the following as new subsections (i)–(k):

"(i) obligations assumed in Germany on or after June 5, 1945;

"(j) provision of telecommunications services; and

"(k) provision of maximum physical security in Government-owned and leased properties and vehicles abroad."

## SEC. 111. FEES AND REIMBURSEMENTS.

(a) The State Department Basic Authorities Act of 1958 is amended by adding as a new section 42:

"Sec. 43. (a) Notwithstanding any other provision of law, for fiscal year 1980 funds received by the Department in connection with use of Blair House, including reimbursements and surcharges for services and goods provided and fees for use of Blair House facilities, may be credited to the appropriate appropriation account currently available to the Department, and shall be available for maintenance and other expenses of Blair House.

"(b) The authority of this section may be exercised only to such extent or in such amounts as are provided in advance in appropriation acts."

## SEC. 112. INTERNATIONAL CENTER.

Section 4 of the International Center Act is amended by inserting at the end the following new subsection (c):

"(c) The Department of State is authorized to charge U.S. Government agencies for the lease or use of facilities located at the International Center and used for the purposes of security and maintenance. Any payments received for lease or use of such facilities shall be credited to the account entitled 'International Center, Washington, D.C.' and shall be available, without fiscal year limitation, to cover the operating expenses of such facilities including but not limited to administration, maintenance, utilities, repairs and alterations."

## SEC. 113. ACQUISITION OF DOMESTIC PROPERTY: INTERIM STEP TO ACQUIRING PROPERTY ABROAD.

(a) Section 203(c) of the State Department Basic Authorities Act is amended by striking "and" at the end of subparagraph (2); by renumbering subparagraph "(3)" as subparagraph "(4)"; and by inserting as a new subparagraph (3):

"(3) dispose of property acquired in carrying out the purposes of this Act, provided that proceeds from disposition of properties acquired pursuant to section 204(f) shall be credited to the Foreign Service Buildings Fund under section 9 of the Foreign Service Buildings Act, 1926; and"

(b) Section 204 of the State Department Basic Authorities Act is amended—

(1) in subsection (b) by striking the "or" at the end of (b)(3) and inserting "or" at the end of (b)(4), and by adding a new subparagraph (b)(5) as follows:

"(5) to implement an exchange of property with a foreign country, such property to be used by each government in the receiving state for or in connection with diplomatic or consular establishments;"; and

(2) adding a new subsection (f) as follows:

"(f) Upon a determination in each specific case by the Secretary or his designee that the purposes of the Foreign Service Buildings Act, 1926, can best be met on the basis of an in-kind exchange of properties with a foreign country pursuant to subsection (b)(5), the Secretary may transfer funds made available under the heading 'Acquisition and Maintenance of buildings Abroad' for such purposes, including funds held in the Foreign Service Buildings Fund, to the Working Capital Fund as provided in section 208(h)(1) of this Act. In addition to any funds that may be provided by a foreign government for the purchase of property, only funds transferred to the Capital Fund from the 'Acquisition of Maintenance of Buildings Abroad' account or the Foreign Service Buildings Funds account may be used for the purposes of subsection (b)(5). Furthermore, the Secretary may acquire property in the United States for the purposes of subsection (b)(5) only in the context of a specific reciprocal agreement with a specified foreign government. Property acquired by the United States in the foreign country through such an exchange shall benefit the United States at least to the same extent as the property acquired in the United States benefits the foreign government."

(c) Section 9(a)(1) of the Foreign Service Buildings Act, 1926 is amended by adding "or in the United States pursuant to section 204(b)(5) of the State Department Basic Authorities Act of 1958" at the end.

## SEC. 114. WORKING CAPITAL FUND FOR OFFICE OF FOREIGN MISSIONS.

Section 13 of the State Department Basic Authorities Act is amended by inserting "and" before "(4)"; and striking ";" and (5) services and supplies to carry out" and inserting in its place ". Such fund shall also be available without fiscal year limitation to carry out the purposes of".

## SEC. 115. MIDDLE EAST REPORTS.

## (a) REPORTS CONCERNING COMMITMENTS OF THE PALESTINE LIBERATION ORGANIZATION.

(1) Not more than 30 days after the date of the enactment of this Act, the Secretary of State shall prepare and submit to the Congress a report concerning the actions and statements of the Palestine Liberation Organization as they relate to the carrying out of the commitments of such organization made in Geneva on December 14, 1988, regarding the renunciation of terrorism and the recognition of Israel's right to exist.

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(2) In addition to the report under paragraph (1), the Secretary of State shall report to the Congress when there are changes in the procedural or substantive status of the dialogue with the Palestine Liberation Organization.

(3) For the purpose of providing information required by paragraph (1), the term "actions and statements by the Palestine Liberation Organization" shall include actions and statements of the Chairman, members of the Executive Committee, the constituent groups comprising the Palestine Liberation Organization, and the Palestine National Council.

**(b) REPORT CONCERNING THE ARAB STATES AND THE PEACE PROCESS.**—Not more than 30 days after the date of enactment of this Act, the Secretary of State shall prepare and submit to the Congress a report concerning the policies of Arab states toward the Middle East peace process, including progress toward—

(1) public recognition of Israel's right to exist is peace and security;

(2) ending the Arab economic boycott of Israel; and

(3) ending efforts to expel Israel from international organizations or denying participation in the activities of such organizations.

**SEC. 116. MUNITIONS CONTROL REGISTRATION FEES.**

Section 38(b)(3)(A) of the Arms Export Control Act (22 U.S.C. 2778) is amended by striking "1988 and 1989" and inserting in its place "1990".

**SEC. 117. USE OF HERBICIDES FOR DRUG ERADICATION.**

(a) **IN GENERAL.**—For each foreign country in which the Department of State uses, or approves for use, a herbicide for the purpose of eradicating coca or opium by aerial application, the Assistant Secretary for International Narcotics Matters shall submit a report to the Congress determining:

(1) the expected impact of eradication on the price and availability of cocaine and heroin in the United States.

(2) the extent to which aerial eradication could encourage coca or opium growers to align themselves with insurgent groups against legitimate governmental authorities, and the consequences of strengthening such insurgent groups for broader United States foreign policy objectives;

(3) the total dollar amount of assistance given by the United States, international organizations and local governments to help coca and opium growers in aerial eradication zones shift to production of licit crops, and the likelihood that such assistance will be adequate for this purpose;

(4) what countermeasures cocoa and opium growers may take in response to aerial eradication of their crops, including adoption of guerrilla farming techniques and shifting of cultivation to more isolated areas;

(5) what countermeasures may be taken against aerial eradication by illicit drug cartels, including their recruitment of new growers in more isolated areas;

(b) For countries in which aerial coca or opium eradication programs are already underway, the Secretary shall submit the report required by this section as part of the annual report required by subsection (e) of Section 481 of the Foreign Assistance Act of 1961. For countries in which no such programs are underway, and for which the Secretary approves the use of herbicides for aerial coca or opium eradication, the Secretary shall submit the report required by this section 60 days prior to the commencement of the eradication program.

(c) **LIMITATION ON USE OF EQUIPMENT.**—No equipment or aircraft made available to a foreign country for narcotics control purposes under Section 482 of the Foreign Assistance Act of 1961 may be used or deployed in a location to which representatives of the United States Government are not permitted substantially free access by the government of the foreign country.

**SEC. 118. SUPPORT FOR THE BENJAMIN FRANKLIN HOUSE MUSEUM AND LIBRARY.**

(a) **FINDINGS.**—The Congress finds that—

(1) the former London residence of Benjamin Franklin is the only surviving home of Benjamin Franklin existing today and should be preserved to commemorate his great contributions to human liberty, science and education.

(2) the Friends of Benjamin Franklin House and the American Franklin Friends Committee are twin charities dedicated to the restoration, preservation and maintenance of the Benjamin Franklin house as a museum and library open to the public.

(b) **SUPPORT.**—The Congress hereby—

(1) urges the people of the United States to recognize June 17, 1990 as the bicentennial of Benjamin Franklin's death and to celebrate Franklin's long and distinguished public service, his scientific and literary achievements, and his role as a founding father of our country.

(2) calls on the relevant agencies and departments of the federal government of the United States to recognize the important goals of the Friends of Benjamin Franklin House and the American Franklin Friends Committee.

**SEC. 119. INTERNATIONAL-BOUNDARY & WATER COMMISSION.**

(a) Section 101 of the Act of June 20, 1956 (22 U.S.C. 277d-12) is amended as follows:

(1) in the title by inserting "and sanitation" after "flood control"; and by striking "Rio Grande" and inserting in its place "boundary rivers, and boundary sanitation problems".

(2) in the provision by inserting "or sanitation" after "flood control"; by striking the ":" after "Rio Grande" and inserting in its place ", Colorado and Tijuana Rivers; and for taking of emergency actions to protect against health threatening sanitation problems by repairing or replacing existing capital infrastructure along the U.S.-Mexico Boundary."

(b) The Act of May 13, 1924, as amended (22 U.S.C. 277-277f), is amended as follows:

(1) in section 3 (22 U.S.C. 277b) by—  
(A) inserting "(1)" after "authorized" in the first line; by striking "and (b)" and inserting "(2)"; and by striking the ":" and inserting in its place "; and (3) to carry out preliminary surveys, operations and maintenance of the interceptor system constructed to intercept sewage flows from Tijuana and from selected canyon areas.;" and  
(B) adding the following new subsections (b) and (c):

"(b) Expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89).

"(c) The Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the dam as shall have been allocated to such purposes by the Secretary of State.";

(2) in section 2 (22 U.S.C. 277a) by inserting ", drainage of transboundary storm waters," after "stabilization and".

**SEC. 120. DIPLOMATIC AND CONSULAR POSTS ABROAD.**

Section 122 of the Foreign Relations Authorization Act, Fiscal years 1988 and 1989 (Public Law 100-204) is amended to read as follows:

**"SEC. 122. DIPLOMATIC AND CONSULAR POSTS ABROAD.**

"(a) **OPERATION OF POSTS.**—Except as provided by this section, no funds authorized to be appropriated by this or any other Act shall be available to pay any expense related to the closing of a diplomatic or consular post.

"(b) **CONGRESSIONAL NOTIFICATION.**—Except as provided in subsections (c) and (d), a diplomatic or consular post may be closed only if not less than 365 days prior to a proposed closing of a post, the Secretary of State prepares and submits a notification, together with any justifications, of such proposed action to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

"(c) **EXCEPTIONS.**—The provisions of subsection (b) shall not apply with respect to any post closed—

"(1) because of a break or downgrading of diplomatic relations between the United States and the country in which the post is located; or

"(2) because there is a real and present threat to United States diplomatic or consular personnel in the city where the post is located and a travel advisory warning against American travel to that city has been issued by the Department of State; or

"(3) in order to provide funds to open a new consulate or diplomatic post which will be staffed by the Department of State on a full-time basis with at least one Foreign Service officer or member of the Senior Foreign Service, if the Secretary of State, prior to the closing of the post, prepares and transmits to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report stating that—

"(A) the new post is a higher priority than the post proposed to be closed; and

"(B) the total number of consular and diplomatic posts abroad is not less than the number of such posts in existence on May 1, 1989.

"(d) **SEQUESTRATION.**—In the case that a sequestration order is issued pursuant to Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 et seq.; Public Law 99-177), the Secretary of State may, as part of an agencywide austerity proposal, submit a report proposing a list of diplomatic and consular posts to be closed in order to comply with the sequestration order, together with a justification for the inclusion of each post on such list. Such report shall be submitted to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

"(e) **DEFINITION.**—As used in this section, the term 'diplomatic or consular post' does not include a post to which only personnel of agencies other than the Department of State are assigned."

**SEC. 121. CONSULAR OFFICER DUTIES.**

Section 31 of the Act of June 22, 1860 (22 U.S.C. 4192) is repealed.

**SEC. 122. ACCESS TO CRIMINAL RECORDS.**

(a) Section 9101 of title 8 of the United States Code is amended in subsections (b)(1), and (c) by inserting ", the Department of State" before "or the Federal Bureau of Investigation".

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(b) The authority provided under this section may be exercised only so long as the Department of State continues to extend to its employees and applicants for employment, at a minimum, those procedural safeguards provided for as part of the security clearance process that are currently available pursuant to Volume 3, Section 163.4 of the Foreign Affairs Manual.

## SEC. 121. STATE DEPARTMENT POST OFFICES ABROAD.

(a) Title 39 United States Code is amended as follows:

(1) In Section 406, by adding "and diplomatic posts abroad" after "installations" in the title; and in subsection (a) of Section 406, by striking "and" after "Armed Forces" and replacing it with ", and inserting ", and at diplomatic posts abroad" before the " " at the end; and in subsection (b) of Section 406, by inserting ", State" after "Defense".

(2) In Section 3401, by inserting "and United States Government employees assigned to United States diplomatic missions abroad" in the title; and in subsection (e) of Section 3401, by inserting "and the Department of State" after "Department of Defense" in the first line; by striking "the Department of Defense" in the third line and replacing it with "these agencies"; by inserting "or diplomatic posts abroad" after "Armed Forces post offices"; and by inserting "or a diplomatic post abroad" before the " " at the end; and in subsection (f) of Section 3401, by inserting "or the Secretary of State" after "Secretary of Defense".

(b) The authority provided in this section shall be exercised only to the extent that the total cost of postal service provided by the Department of State pursuant to such authority does not exceed the total cost of postal service that would be incurred by the Department of State in the absence of such authority.

## SEC. 124. AUTHORITY OF DIPLOMATIC SECURITY SERVICE.

Section 37 of the State Department Basic Authorities Act (22 U.S.C. 2709) is amended—

(a) by renumbering subparagraph (a)(2)(B) thereof as (a)(2)(C) and inserting a new subparagraph (a)(2)(B) as follows:

"(B) make arrests without warrant for any offense concerning passport or visa issuance or use if the special agent has reasonable grounds to believe that the person has committed or is committing such offense;" and

(b) by revising subparagraph (a)(5) thereof to read as follows:

"(5) arrest without warrant any person for a violation of section 111, 112, 351, 970, or 1028 of Title 18, United States Code—

"(A) in the case of a felony violation, if the special agent has reasonable grounds to believe that such person—

(i) has committed or is committing such violation; and

(ii) is in, or is fleeing from the immediate area of such violation; and

"(B) in the case of a felony or misdemeanor violation, if the violation is committed in the presence of the special agent."

## SEC. 125. PROHIBITION ON THE USE OF MILITARY ITEMS IN TIBET.

(a) No defense article on the United States Munitions List may be sold or transferred to the People's Republic of China, including helicopter and helicopter parts, if any United States supplied military equipment is used by the People's Republic of China to enforce martial law in Tibet, to suppress demonstrations by the Tibetan people, or to support violations of the human rights of the Tibetan people.

(b) Each year in which licenses for the export to the People's Republic of China of

items on the United States Munitions List are proposed to be issued, the President shall, prior to the issuance of any license, certify to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate that no United States defense article has been used in the previous year, or is being used, to enforce martial law in Tibet, to suppress demonstrations by the Tibetan people, or to support violations of the human rights of the Tibetan people.

(c) This section shall have no effect after October 1, 1993.

## SEC. 126. OPENING AN AMERICAN CONSULATE IN BRATISLAVA.

(a) FINDINGS.—The Congress finds that:

(1) The State Department's "small consulate" concept offers a model for re-opening a consulate in Bratislava at modest cost and with significant public diplomacy and political benefits;

(2) The United States still owns the old consulate building and in 1987-1988 spent about \$500,000 to renovate parts of the building;

(3) The building has been productively used for trade and cultural events, but could be more effectively used by restoring it to its original purpose as the locus of official U.S. representation in the Slovak capital.

(4) Slovakia has been the source of the largest and most recent wave of Czechoslovak emigration to the United States and approximately three and a half million Americans are of Slovak heritage;

(5) American tourists in Slovakia, many visiting relatives, often require consular assistance and this consular support could best be provided by a consulate in Bratislava;

(6) Slovaks account for more than half of all Czechoslovak tourist travel to the United States and this travel, which should be encouraged, could be expedited by an American consulate in Bratislava;

(7) The Slovak underground Catholic church is one of the most vibrant religious forces in Czechoslovakia and each year tens of thousands of Catholics make pilgrimages to Slovakia.

(8) American outreach efforts in Slovakia have been hindered by the absence of a constant and direct American presence in Bratislava;

(9) With its Hungarian, Polish and Ukrainian minorities, an American consulate in Bratislava would provide important information on both regional and local developments.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should take all practicable steps to re-open the American consulate in Bratislava.

## SEC. 127. CONSTRUCTION OF UNITED STATES EMBASSY IN OTTAWA.

Section 402(a) of the Diplomatic Security Act (22 U.S.C. 4852(a)) shall not apply to the construction or renovation of the United States embassy in Ottawa, Canada.

## SEC. 128. ASSISTANT SECRETARY OF STATE FOR SOUTH ASIA.

There is established within the Department of State a Bureau for South Asia Affairs which shall be headed by an Assistant Secretary of State. The jurisdiction for the Bureau of South Asia Affairs shall consist of the following: the countries of Afghanistan, Bangladesh, Bhutan, Burma, India, Iran, the Maldives, Mauritius, Nepal, Pakistan, and Sri Lanka; and Indian Ocean issues.

## SEC. 129. VISITING SCHOLARS PROGRAM FOR THE FOREIGN SERVICE INSTITUTE.

There is authorized to be established at the Foreign Service Institute a "Visiting Scholars Program." The visiting scholars

shall participate fully in the educational and training activities of the Institute. Each visiting scholar shall be appointed for a term of one year, except that such term may be extended for a one year period. The visiting scholars shall be selected by a five-member board. The Director of the Foreign Service Institute shall serve as the chairman of the board. The other four members shall be selected by the Secretary of State.

## PART C—DIPLOMATIC IMMUNITY, RECIPROCITY AND SECURITY

## SEC. 130. EXCLUSION OF ALIENS PREVIOUSLY INVOLVED IN A SERIOUS CRIMINAL OFFENSE COMMITTED IN THE UNITED STATES.

(a) Section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended—

(1) by striking the period at the end of paragraph (33) and inserting in its place "; and"

(2) by adding after paragraph (33) the following new paragraph:

"(34)(A) Any alien who has committed in the United States any serious criminal offense, as defined in subparagraph (B), for whom immunity from criminal jurisdiction was exercised with respect to that offense, who as a consequence of the offense and exercise of immunity has departed the United States, and who has not subsequently submitted fully to the jurisdiction of the United States with respect to that offense;

"(B) For purposes of this paragraph, the term 'serious criminal offense' means—

"(i) any felony;

"(ii) any crime of violence, as defined in section 18 of title 18 of the United States Code; or

"(iii) any crime of reckless driving or of driving while intoxicated or under the influence of alcohol or of prohibited substances when that crime involves personal injury to another."

(b) Section 212(h) of the Immigration and Nationality Act of 1952 (8 U.S.C. 1182(h)) is amended by striking "or" after "(10)" and inserting " , or (34)" after "(12)".

## SEC. 131. UNITED STATES—SOVIET RECIPROCITY IN MATTERS RELATING TO EMBASSIES.

Section 153(b) of Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) is amended by striking "until the United States mission in Kiev is able to occupy secure permanent facilities" at the end and inserting in its place "except on the basis of reciprocity as to the establishment by the United States of a consulate in Kiev".

## SEC. 132. UNITED STATES-SOVIET EMBASSY AGREEMENT.

Section 151 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (Public Law 100-204) is amended to read as follows:

## SEC. 151. UNITED STATES-SOVIET EMBASSY AGREEMENT.

"(a) The Soviet Union shall not be permitted to occupy the new chancery building on Mount Alto in Washington, District of Columbia, unless and until the President certifies in writing to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate that:

(1) there is completed a new chancery building for use by the United States embassy in Moscow which can be safely and securely used for its intended purpose; and

(2) all feasible steps have or will be taken to eliminate the damage to the national security of the United States due to electronic surveillance from Soviet facilities on Mount Alto."

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"(b) Not later than six months after the date of enactment of this section, the President shall terminate the Agreement between the Government of the United States and the Government of the Union of Soviet Socialist Republics on the Reciprocal Allocation for Use Free of Charge of Plots of Land in Moscow and Washington (signed at Moscow, May 16, 1969) and related agreements, notes, and understandings unless he certifies to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate that the Soviet use of the facility on Mount Alto does not pose a significantly greater threat to the national security of the United States than the potential or actual threat from Soviet use for espionage of existing Soviet facilities in Washington, District of Columbia."

"(c) The President may waive subsection (b) if he determines that it is in the vital national security interest of the United States to do so and reports in writing to the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate together with a detailed explanation, in suitably classified form, of the reasons for making this waiver."

## SEC. 133. CHILD CARE FACILITIES AT CERTAIN POSTS ABROAD.

Section 31 of the State Department Basic Authorities Act is amended by adding a new subsection (d) as follows:

"(d) The Secretary of State may make grants to child care facilities, to offset in part the cost of such care, in Moscow and at no more than five other posts abroad where the Secretary determines that due to extraordinary circumstances such facilities are necessary to the efficient operation of the post. In determining that a facility is necessary, the Secretary shall take into account factors such as:

"(1) whether Foreign Service spouses are encouraged to work at the mission because

"(A) the number of members of the mission is subject to a ceiling imposed by the receiving country; and

"(B) Foreign Service Nationals are not employed at the mission; and

"(2) whether local child care is available."

## SEC. 134. STATE DEPARTMENT CONTRACTOR EXEMPTION TO POLYGRAPH PROTECTION ACT.

Sec. 7. of the Employee Polygraph Protection Act of 1988 (Public Law 100-347) is amended by

(a) redesignating subparagraph "(d)" as subparagraph "(e)"; and

(b) inserting the following new subparagraph:

"(D) DEPARTMENT OF STATE CONTRACTORS EXEMPTION.—Nothing in this Act shall be construed to prohibit the administration by the Department of State, in the performance of any counterintelligence function, of any lie detector test, administered under regulations implementing the Department's polygraph program, to an individual under contract to the Department or an employee of a contractor or subcontractor of the Department of State who is engaged in the performance of any work under a contract or subcontract with the Department."

## PART D—PERSONNEL

## SEC. 140. AUTHORITY TO TRANSFER RETIREMENT CONTRIBUTIONS FOR FOREIGN SERVICE NATIONALS TO LOCAL PLANS.

(a) Subsection 408(a) of the Foreign Service Act of 1980 (22 U.S.C. 3948) is amended by inserting at the end thereof the following new subparagraph:

"(3) At the direction of the Secretary of State, and where a foreign national employee so elects during a one-year period estab-

lished by the Secretary of State with respect to each post abroad, the Secretary of the Treasury shall transfer such employee's interest in the Civil Service Retirement and Disability Fund to a trust or other local retirement plan certified by the U.S. Government, under a local compensation plan established for foreign national employees pursuant to this section (excluding local social security plans). For purposes of this paragraph, an employee's "interest in the Civil Service Retirement and Disability Fund" shall mean the employee and the total of employing agency contributions with respect to such employee, pursuant to subsections 8331(g) and 8334(a)(1) of title 5, United States Code, respectively, plus interest at the rate provided in subsection 8334(e)(3) of such title. Any such transfer shall void any annuity rights or entitlement to lump sum credit under subchapter III of chapter 83 of such title."

(b) Section 8345 of Title 5, United States Code is amended by adding at the end thereof a new subsection (1), as follows:

"(1) Transfers of contributions and deposits authorized by Section 408(a)(3) of the Foreign Service Act of 1980, as amended, shall be deemed a complete and final payment of benefits under this chapter, for the employee's funds thus transferred."

## SEC. 141. JUDICIAL REVIEW—SEPARATION FOR CAUSE.

Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended by adding at the end of subsection (a)(2) the following new sentence:

"Section 1110 shall also apply to proceedings under this paragraph."

## SEC. 142. TRAVEL, LEAVE, AND OTHER BENEFITS.

Section 902 of Chapter 9 of the Foreign Service Act of 1980 (22 U.S.C. 4081) is amended in paragraph (9) by striking "from a location" and inserting in its place "to or from an employee's post of assignment."

## SEC. 143. AMENDMENTS TO TITLE 5, UNITED STATES CODE.

(a) Section 5523(a) is amended

(1) in subparagraph (1)(A) by inserting "(or that of his dependents or immediate family, as the case may be)" after "departure"; and

(2) in the last sentence by striking the phrase "for not more than 120 additional days" and by inserting in its place "thereafter in 30-day increments, up to a total evacuation period of no more than 270 days".

(b) Section 5551(a), is amended by adding after the word "pay" in the second sentence, "or, for service as part of a tour of duty or extension thereof commencing on or after the effective date of this amending provision, the basic pay."

(c) Section 5922 is amended by adding at the end thereof the following new subsections (d) and (e):

"(d) When a quarters allowance or allowance related to education under this subchapter, or quarters furnished in Government-owned or controlled buildings under section 5912, would be furnished to an employee but for the death of the employee, such allowances or quarters may be furnished or continued for the purpose of allowing any child of the employee to complete the current school year at post or away from post notwithstanding the employee's death."

"(e) When an allowance related to education away from post under this subchapter would be authorized to an employee but for the evacuation/authorized departure status of the post, such an allowance may be furnished or continued for the purpose of allowing dependent children) of such employee to complete the current school year."

(d) Section 5923, relating to quarters allowance, is amended—

(1) in paragraph (1), by striking the word "lodging" and inserting in its place "subsistence"; and by inserting "including meals and laundry expenses" after "quarters" the first time it appears;

(2) in subparagraph (1)(A), by striking "3 months" and inserting "90 days" in its place; and

(3) in subparagraph (1)(B), by striking "1 month" and inserting "30 days" in its place.

(e) Section 5924(1), relating to post allowances, is amended by adding at the close thereof ", except that employees receiving the temporary subsistence allowance under section 5923(1) of this Title are ineligible for receipt of a post allowance under this paragraph."

(f) Section 5924(2) is amended—

(1) by inserting "subsistence and other relocation" after "reasonable" and inserting "(including unavoidable lease penalties)" after "expenses"; and

(2) in subparagraph (A), by deleting "the Commonwealth of Puerto Rico" and inserting "the Commonwealths of the Northern Mariana Islands or Puerto Rico." in its place; and

(3) in subparagraph (B), by striking "between assignments to posts in foreign areas" and inserting "after the employee agrees in writing to remain in Government service for 12 months after transfer, unless separated for reasons beyond the control of the employee that are acceptable to the agency concerned" in lieu thereof.

(g) Section 5924(4) is amended—

(1) in the introduction, by inserting "or, to the extent education away from post is involved, official assignment to serve in such area or areas," after "dependents";

(2) in subparagraph (A), by inserting before "kindergarten", "pre-school for handicapped children ages three to five years"; and

(3) in the first line of subparagraph (B) by striking "undergraduate college" each time it appears and inserting in its place "post-secondary (but not graduate or post-graduate) educational institution".

## SEC. 144. CREDIT FOR SERVICE AT UNHEALTHFUL POSTS.

(a) Section 816(X2) of the Foreign Service Act of 1980 (22 U.S.C. 4056) is amended to read as follows:

"(2) A former spouse shall not be considered as married to a participant for periods assumed to be creditable service under section 808(a) or section 809(e)."

(b) Section 817 of such Act (22 U.S.C. 4057) is amended by adding, at the end thereof, the following new sentence:

"Such extra credit shall not be used to determine the eligibility of a person to qualify as a former spouse under this subchapter, or to compute the pro rata share under section 804(10). No extra credit for service at unhealthful posts shall be given under this section for any service as part of a tour of duty, or extension thereof, commencing on or after the effective date of this amending provision."

## SEC. 145. FORMER SPOUSES OF USIA AND AID EMPLOYEES.

(a) RETIREMENT BENEFITS FOR CERTAIN FORMER SPOUSES.—Section 530 of the Foreign Service Act of 1980 (22 U.S.C. 4069a) (relating to retirement benefits for certain former spouses) is amended by adding at the end the following new subsection:

"(f) Any individual who on February 14, 1981, was an otherwise qualified former spouse pursuant to this section, but who was married to a former Foreign Service employee of the United States Information Agency or of the Agency for International

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Development shall be entitled to benefits under this section if—

"(1) the former employee retired from the Civil Service Retirement and Disability System on a date before his employing agency could legally participate in the Foreign Service Retirement and Disability System; and

"(2) the marriage included at least five years during which the employee was assigned overseas."

(b) **SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES.**—Section 831 of the Foreign Service Act of 1980 (22 U.S.C. 4069b) (relating to survivor benefits for certain former spouses) is amended by adding at the end the following new subsection:

"(g) Any individual who on February 14, 1981, was an otherwise qualified former spouse pursuant to this section, but who was married to a former spouse pursuant to this section, but who was married to a former Foreign Service employee of the United States Information Agency or of the Agency for International Development shall be entitled to benefits under this section if—

"(1) the former employee retired from the Civil Service Retirement and Disability System on a date before his employing agency could legally participate in the Foreign Service Retirement and Disability System; and

"(2) the marriage included at least five years during which the employee was assigned overseas."

(c) **HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES.**—Section 832 of the Foreign Service Act of 1980 (22 U.S.C. 4069c) (relating to health benefits for certain former spouses) is amended by adding at the end the following new subsection:

"(f) Any individual who on February 14, 1981, was an otherwise qualified former spouse pursuant to subsections (a), (b), and (c) of this section, but who was married to a former Foreign Service employee of the United States Information Agency or of the Agency for International Development shall be entitled to benefits under this section if—

"(1) the former employee retired from the Civil Service Retirement and Disability System on a date before his employing agency could legally participate in the Foreign Service Retirement and Disability System; and

"(2) the marriage included at least five years during which the employee was assigned overseas."

**SEC. 146. GRANTS FOR INSTITUTIONS AND STUDENTS FOR TRAINING IN INTERNATIONAL AFFAIRS.**

The State Department Basic Authorities Act of 1956 (22 U.S.C. 2269 et seq.) is amended by adding the following new section 44:

**SEC. 44. GRANTS FOR TRAINING AND EDUCATION IN INTERNATIONAL AFFAIRS.**

"The Secretary of State may make grants to post-secondary educational institutions or students for the purpose of increasing the level of knowledge and awareness of and interest in employment with the Foreign Service, consistent with Section 105 of the Foreign Service Act of 1980, as amended. To the extent possible, the Secretary shall give special emphasis to promoting such knowledge and awareness of the Foreign Service among minority students. Any grants awarded will be made pursuant to regulations to be established by the Secretary of State, which will provide for a limit on the size of any specific grant, and, regarding any grants to individuals, will ensure that no grant recipient receives grants from one or a combination of federal programs which exceed the cost of his or her education and will require satisfactory

educational progress by grantees as a condition of eligibility for continued receipt of grant funds."

**SEC. 147. EXPANSION OF MODEL FOREIGN LANGUAGE COMPETENCE POSTS.**

(a) In order to carry out the purposes of section 702 of the Foreign Service Act of 1980, and in light of the positive report issued on March 28, 1986, by the Department of State as required by Section 2207 of the Foreign Service Act of 1980, the Secretary of State shall designate as model foreign language competence posts at least two Foreign Service posts in each of the Department of State's five geographic bureaus, for a minimum of ten posts, in countries where English is not the common language. Such designation shall be made no later than October 1, 1989, and shall be implemented so that no later than October 1, 1991, each Government employee permanently assigned to those posts shall possess an appropriate level of competence in the language common to the country where the post is located. The Secretary of State shall determine appropriate levels of language competence for employees assigned to those posts by reference to the nature of their functions and the standards employed by the Foreign Service Institute.

(b) At least one of the posts designated under subsection (a) shall be in "hard language" countries as identified in the report to the Under Secretary of State for Management of May 12, 1986, entitled "Hard Language Proficiency in the Foreign Service". These posts shall be in one of the countries where the official or principal language is Arabic, Chinese, Japanese or Russian.

(c) The posts designated under subsection (a) shall continue as model foreign language posts at least until September 30, 1993. The Secretary of State shall submit no later than January 31, 1994, a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives describing the operation of such posts and the costs, advantages and disadvantages associated with meeting the foreign language competence requirements of this section.

(d) The Secretary of State may authorize exceptions to the requirements of this section if he determines that unanticipated exigencies so require. Such exceptions shall be immediately reported to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(e) The posts designated under subsection (a) may not include those chosen in implementing Section 2207 of the Foreign Service Act of 1980. Those posts are Dakar, Senegal, and Montevideo, Uruguay. The report requested under subsection (c) shall include progress made in these posts in maintaining the high foreign language standards achieved under the initial pilot program.

(f) Such sums as may be necessary to implement this section are hereby authorized.

**SEC. 148. REPORT ON FOREIGN LANGUAGE ENTRANCE REQUIREMENT FOR THE FOREIGN SERVICE.**

The Secretary of State shall submit no later than December 31, 1989, a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives evaluating an entrance requirement for the Foreign Service of at least one world language at the S-3/R-3 level as defined by the Foreign Service Institute, or one non-world language at the S-2/R-2 level. Such report shall also include:

(a) the time necessary to implement such a requirement;

(b) the use of bonus points on the Foreign Service candidate scoring system for candidates with foreign language ability;

(c) adjustments necessary to raise otherwise qualified candidates, especially including affirmative action applicants, to the levels required for entrance as defined in this section.

**SEC. 149. FOREIGN SERVICE PROMOTION PANELS.**

It is the sense of the Congress that, to the greatest extent possible, Foreign Service Promotion Panels shall only promote candidates to the Senior Foreign Service who have demonstrated foreign language proficiency in at least one language at the S-3/R-3 level as defined by the Foreign Service Institute and to strive for the objective stipulated in the Foreign Service Manual (3 FAM 870, "Foreign Language Training," 871.2-1 a. (1)) "to be able to use two foreign languages at a minimum professional level of proficiency of S-3/R-3." It is further the sense of the Congress that at least one person on each Foreign Service Promotion Panel shall have attained at least the S-3/R-3 level.

**SEC. 150. CHANGE IN THE EMPLOYEE EVALUATION REPORT.**

(a) The Department of State and the Agency for International Development shall revise the Employee Evaluation Report for Foreign Service Officers, and the United States Information Agency shall revise the Officer Evaluation Report for its Foreign Service Officers, to require, as a separate entry, an assessment of the employee's performance in each foreign language tested at the S-3/R-3 level, including the date on which the officer was last tested in that language and the score achieved in the officer's last test.

(b) The Director of Personnel at the Department of State, the Agency for International Development and the United States Information Agency shall instruct promotion panels to take account of language ability and, all matters being otherwise equal, to give precedence in promotions to officers who have achieved a level of at least S-3/R-3 in one or more foreign languages over officers who lack a level of S-3/R-3.

**TITLE II—UNITED STATES INFORMATION AGENCY****SEC. 201. AUTHORIZATION OF APPROPRIATIONS; ALLOCATION OF FUNDS.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the United States Information Agency \$425,000,000 for fiscal year 1990 for "Salaries and Expenses" to carry out International Information, Educational, Cultural, and other exchange programs under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, and other purposes authorized by law.

**SEC. 202. VOICE OF AMERICA.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated by section 201, there are authorized to be appropriated \$189,700,000 for fiscal year 1990 to the Voice of America for the purpose of carrying out Title V of the United States Information and Educational Exchange Act of 1948 and the Radio Broadcasting to Cuba Act.

(b) **ALLOCATION OF FUNDS.**—Of the funds authorized to be appropriated by this section, \$12,000,000 shall be available only for the "Voice of America: Cuba Service."

(c) **Radio Construction.**—In addition to the funds authorized to be appropriated by subsection (a), there authorized to be appropriated \$22,000,000 for radio construction in fiscal year 1990.

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## SEC. 203. BUREAU OF EDUCATIONAL AND CULTURAL AFFAIRS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts otherwise authorized to be appropriated by section 201, there are authorized to be appropriated to the Bureau of Educational and Cultural Affairs \$197,850,000 for fiscal year 1990 to carry out the purposes of the Mutual Educational and Cultural Exchange Act of 1961. Of the funds authorized to be appropriated by this section, not less than—

(1) \$98,000,000 shall be available only for grants for the Fulbright Academic Programs;

(2) \$40,400,000 shall be available only for grants for the International Visitors Program;

(3) \$5,500,000 shall be available only for grants for the Hubert H. Humphrey Fellowship Program;

(4) \$2,000,000 shall be available only for the Samantha Smith Programs;

(5) \$10,000,000 shall be available only for the Arts America Program;

(6) \$11,900,000 shall be available only for the Office of Citizen Exchanges; and

(7) \$150,000 for books and materials to complete the collections at the Edward Zorinsky Memorial Library in Jakarta, Indonesia.

## SEC. 204. NATIONAL ENDOWMENT FOR DEMOCRACY.

In addition to amounts authorized to be appropriated by section 201, there are authorized to be appropriated to the United States Information Agency \$21,800,000 for fiscal year 1990 to be available only for a grant to the National Endowment for Democracy for use in carrying out its purposes.

## SEC. 205. EAST-WEST CENTER.

There are authorized to be appropriated \$20,000,000 for fiscal year 1990 to carry out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960.

## SEC. 206. FEES FOR USIA PUBLICATIONS AND OTHER PROGRAMS.

Section 810 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1475e) is amended to read as follows:

"SEC. 810. Notwithstanding section 3302 of title 31 or any other law or limitation of authority, all payments received by or for the use of the United States Information Agency from or in connection with Agency-produced publications, English-teaching, and library programs produced or conducted by or on behalf of the Agency under the authority of this Act or the Mutual Educational and Cultural Exchange Act of 1961 may be credited to the Agency's applicable appropriation to such extent as may be provided in advance in an appropriation Act."

## SEC. 207. DIPLOMATIC CONSTRUCTION PROGRAM.

Section 402(a)(2) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (P.L. 99-399) is amended to read as follows:

"(2) bid on a diplomatic construction or design project which involves physical or technical security, unless—

"(A) the project is for the design or construction of a facility of the United States Information Agency that does not process or store classified material; and

"(B) the total value of the project does not exceed \$500,000."

## SEC. 208. FOREIGN LANGUAGE SERVICES.

Section 804(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1474(1)) is amended by inserting "when job vacancies occur" after "United States citizens are not available".

## SEC. 209. DISSEMINATION OF INFORMATION WITHIN THE UNITED STATES.

Section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) is amended—

- (1) by inserting "(a)" after "501"; and
- (2) by adding at the end thereof the following new subsection:

"(b)(1) Notwithstanding the provisions of subsection (a), the Director shall make available to the Archivist of the United States, for domestic distribution, motion pictures, films, videotapes and other material prepared for dissemination abroad 12 years after the dissemination of the material abroad, or in the case of material not disseminated abroad, 12 years after the preparation of the material.

"(2) The Director shall be reimbursed for any attendant expenses. Any reimbursement to the Director pursuant to this subsection shall be credited to the applicable appropriation of the United States Information Agency.

"(3) The Archivist shall be the official custodian of the material and shall issue necessary regulations to ensure that persons seeking its release have secured and paid for necessary United States rights and licenses and that all costs associated with the provision of the material by the Archivist shall be paid by the persons seeking its release. The Archivist may charge fees to recover such costs in accordance with section 2116(c) of title 44, United States Code. Such fees shall be paid into, administered, and expended as part of the National Archives Trust Fund".

## SEC. 210. ESTABLISHMENT OF THE J. WILLIAM FULBRIGHT SCHOLARSHIP BOARD.

(1) **AMENDMENT TO THE MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT OF 1961.**—Section 106(a) of the Mutual Educational and Cultural Exchange Act of 1961 is amended to read as follows:

"(a) **THE J. WILLIAM FULBRIGHT SCHOLARSHIP BOARD.**—There is established the J. William Fulbright Scholarship Board (hereafter in this section referred to as the 'Board'). Membership in the Board shall consist of—

"(A) the Librarian of Congress;

"(B) the Director of the National Gallery of Art;

"(C) the Director of the National Science Foundation;

"(D) the Secretary of the Smithsonian Institution;

"(E) a distinguished scholar from the social sciences who shall be appointed by the Librarian of Congress;

"(F) a distinguished scholar from the humanities who shall be selected by the Librarian of Congress;

"(G) a noted artist who shall be appointed by the Director of the National Gallery;

"(H) an eminent scientist who shall be appointed by the Director of the National Science Foundation;

"(I) a distinguished scholar, scientist or artist who shall be appointed by the Secretary of the Smithsonian;

"(J) six members who shall be appointed by the President from the academic, professional, and public service communities in the United States.

"(2) All appointed members of the Board shall serve for a term of three years, except that—

"(A) the initial appointment made pursuant to paragraph (1)(E) shall be for a term of one year;

"(B) the initial appointment made pursuant to paragraphs (1)(G) and (1)(H) shall be for a term of two years; and

"(C) two of the initial presidential appointments under paragraph (1)(J) shall be

for a term of one year, and two shall be for a term of two years.

The Board shall elect a Chairman from among its members who shall serve a term of one year and who is eligible for reelection. All persons on the Board shall serve until a successor is qualified. Vacancies on the Board shall be filled in the same manner in which the original appointment was made for the balance of the original term.

"(3)(A) The Board shall select all scholars, students, teachers, artists, trainees, and other persons participating in programs authorized pursuant to section 102(s)(1) of this Act, including all participants in the Fulbright Academic Exchange Programs and the Hubert H. Humphrey Fellowship Programs. The Board shall have the authority to establish policies for the conduct of the Fulbright Academic Exchange Programs and the Humphrey Fellowship Programs, including authority to regulate and approve all grants made to institutions implementing the Fulbright Academic Exchange and Humphrey Fellowship Programs. Policies established by the Bureau of Educational and Cultural Affairs regarding such programs shall be subject to the policies of the Board. The Board shall not administer any program under its authority.

"(B) In addition to the authority of subparagraph (A), the Board shall supervise the programs authorized by paragraphs (4) and (6) of section 102(b) of the Mutual Educational and Cultural Exchange Act of 1961.

"(4) All recipients of Fulbright Academic Exchange and Humphrey Fellowship awards shall have full academic and artistic freedom, including freedom to write, publish, and create. No award granted pursuant to this Act may be revoked or diminished on account of the political views expressed by the recipient or on account of any scholarly or artistic activity that would be subject to the protections of academic and artistic freedom normally observed in universities in the United States. The Board shall ensure that the academic and artistic freedoms of all persons receiving grants are protected.

"(5) The Board shall formulate a policy on revocation of Fulbright grants which shall be known to all grantees. Such policy shall fully protect the right to due process as well as the academic and artistic freedom of all grantees."

(b) **ABOLISHMENT OF BOARD OF FOREIGN SCHOLARSHIPS.**—(1) The Board of Foreign Scholarships, as in effect on the day before the date of enactment of this Act, is hereby abolished.

(B) Section 608 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, is amended—

(i) in the section heading, by striking out "BOARD OF FOREIGN SCHOLARSHIPS" and inserting in lieu thereof "J. WILLIAM FULBRIGHT SCHOLARSHIP BOARD"; and

(ii) in the first sentence, by striking out "Board of Foreign Scholarships" and inserting in lieu thereof "J. William Fulbright Scholarship Board".

(2) All personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, employed, used, held, or made available to the Board of Foreign Scholarships, as of the day before the date of enactment of this Act, shall be transferred on such date to the J. William Fulbright Scholarship Board as established in this section. Unexpended funds transferred pursuant to this paragraph shall be used only for the purposes for which the funds were originally authorized and appropriated.

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(3)(A) The provisions of this section shall not affect any proceedings, including notices of proposed rulemaking, or any application for any scholarship, financial assistance, license, permit, or certificate, pending before the Board of Foreign Scholarships on the day before the date of enactment of this Act; but such proceedings or applications, to the extent that they relate to the Board of Foreign Scholarships, shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made under such orders, as if this section had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the President, a court of competent jurisdiction, or by operation of law. Nothing in this paragraph prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this section had not been enacted.

(B) The President is authorized to issue regulations providing for the orderly transfer of proceedings continued under subparagraph (A).

(4)(A) No action or other proceeding brought by or against the Board of Foreign Scholarships or any member thereof in his official capacity shall abate by reason of the enactment of this section.

(B) If, before the date of enactment of this section, the Board of Foreign Scholarships or any member thereof in his official capacity is a party to an action, then such action shall be continued with the J. William Fulbright Scholarship Board substituted or added as a party.

## SEC. 211. USA SATELLITE AND TELEVISION.

(a) IN GENERAL.—The Director of the United States Information Agency is authorized to lease or otherwise time on commercial or United States Government satellites for the purpose of transmitting agency materials and programs to posts and other users abroad. The United States Information Agency is authorized to produce and transmit only where the programs are—

(1) interactive dialogue programs consisting of live interviews and discussions among participants in different locations;

(2) coverage of current events such as United States elections, candidate debates, and presidential speeches, where coverage is not available from commercial or public television networks at a reasonable cost;

(3) regular coverage of Congressional proceedings, White House news briefings and State Department news briefings where such coverage is not available at a reasonable fee from C-Span or other public and commercial television service; or

(4) short news clips to be provided to foreign broadcasters only for rebroadcast at the discretion of the foreign broadcaster.

(b) PREFERENCE FOR NON-GOVERNMENTAL BROADCASTS.—In transmitting programs by satellite pursuant to subsection (a), the Director of the United States Information Agency shall use programs produced by American commercial and public television broadcasters in preference to material produced by the United States Government where such programs are comparable to programs being produced by the United States Information Agency and where such programs are available at a reasonable cost.

The United States Information Agency Film and Television Service is authorized to acquire and transmit by satellite programs produced by United States commercial and public television networks only if such programs—

(1) are comprised of news, public affairs, artistic and cultural, or scientific programming; and

(2) have been on or are being broadcast in the United States.

(c) ALLOCATION OF FUNDS.—Of the funds authorized to be appropriated to the United States Information Agency, not more than \$20,000,000 shall be available for the "Television and Film Service" of the United States Information Agency which shall include all funds available for the acquisition, production, and transmission by satellite of television programs. Of the funds authorized to be appropriated to the United States Information Agency for television, not less than \$1,500,000 shall be available for the purchase or use of programs produced with grants from the corporation for public broadcasting or produced by United States public television networks.

(d) Television programs transmitted by satellite are intended to supplement the programming of foreign broadcasters. It is not intended that the United States Information Agency established its own television network in competition foreign broadcasters or United States commercial and public television networks.

(e) To the extent that significant economies may be achieved by the purchase of large blocks of satellite time, the United States Information Agency is authorized to acquire such satellite time. Satellite time not utilized by the United States Information Agency, or time in excess of four hours of programming each day, shall be made available to other United States Government Agencies on a priority basis and without cost. Time not utilized by the United States Government may be sold to commercial users.

(f) For fiscal year 1990, the restrictions of section 209(e) of PL 100-204 are waived so as to permit television broadcasts in accordance with this section.

## SEC. 212. FREE ENTERPRISE SYSTEM IN TELEVISION.

The Congress affirms its belief that the United States free enterprise system, supplemented by public television, provides the highest quality and most objective news and public affairs programming available. The United States Information Agency shall undertake, as a matter of high priority in the field of television, to promote access in foreign countries to the news and public affairs programming of United States commercial and public television networks. Whenever requested by a United States company and permitted by a foreign government, the United States Information Agency shall provide assistance, including use of the United States Information Agency satellite receiving equipment, to facilitate such access.

## SEC. 213. CITIZEN EXCHANGES.

There is established in the Bureau of Educational and Cultural Affairs an Office of Citizen Exchanges. The office shall support private not-for-profit organizations engaged in the exchange of persons, including youth, between the United States and other countries.

## SEC. 214. SCHOLARSHIPS FOR TIBETANS.

Of the funds authorized in section 203(1), not less than 30 scholarships shall be made available to Tibetan students and professionals who are outside Tibet.

## SEC. 215. UNITED STATES-SOVIET EXCHANGES.

The Mutual Educational and Cultural Exchange Act of 1961 is amended by adding at the end thereof the following new section:

"Sec. 113. UNITED STATES-SOVIET EXCHANGES.—(A) The President is authorized to negotiate and implement an agreement with the Union of Soviet Socialist Republics

under which repayments made by the Soviet Union on Lend-Lease debts to the United States would be used to finance the exchange of persons between the United States and the Soviet Union for educational, cultural, and artistic purposes. Exchanges authorized by this section shall be administered pursuant to the provisions of this Act. Part of the funds repaid to the United States shall be convertible currency for the purpose of paying the expenses associated with study and other exchange activities by Soviet Citizens in the United States.

"(b) Funds made available for the purposes of this section shall be available only to the extent and in the amounts provided for in an appropriation Act."

## SEC. 216. VOICE OF AMERICA HIRING PRACTICES.

After the date of enactment of this Act, the Voice of America shall not select candidates for employment who must be or are pre-approved for employment at the Voice of America by a foreign government or entity.

## SEC. 217. DISTRIBUTION WITHIN THE UNITED STATES OF USA FILM ENTITLED "LONG JOURNEY HOME".

Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461-1(a) and the second sentence of section 501 of the United States Information and Education Exchange Act of 1948 (22 U.S.C. 1461)—

(a) the Director of the United States Information Agency shall make available to the Archivist of the United States a master copy of the film entitled "Long Journey Home"; and

(b) upon evidence that necessary United States rights and licenses have been secured and paid for by the person seeking domestic release of the film, the Archivist shall—

(1) reimburse the Director for any expenses of the Agency in making that master copy available;

(2) deposit that film in the National Archives of the United States; and

(3) make copies of that film available for purchase and public viewing within the United States.

Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the United States Information Agency.

## TITLE III—BOARD FOR INTERNATIONAL BROADCASTING

## SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) Section 8(a)(1)(A) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877) is amended to read as follows: "(A) \$190,130,000 for fiscal year 1990; and".

(b) Radio Transmitter Construction and Modernization. There is authorized to be appropriated to the Board for International Broadcasting for radio transmitter construction and modernization, \$23,917,000 for fiscal year 1990.

## SEC. 302. PROCUREMENT OF LEGAL SERVICES.

Section 26 of the State Department Basic Authorities Act of 1986 (22 U.S.C. 2698) is amended in subsection (b) by inserting ", the chairman of the Board for International Broadcasting," after "Communication Agency".

## SEC. 303. RADIO FREE AFGHANISTAN.

Section 2 (5) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2871 (5)) is amended by striking out "(as long as it is under Soviet occupation)" and inserting therein "(until such a time that the government in Kabul is replaced by a government achieved through a free act of self-determination)." .

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## TITLE IV—INTERNATIONAL ORGANIZATIONS

## SEC. 401. UNITED STATES MEMBERSHIP IN INTERNATIONAL SUGAR ORGANIZATION.

The President is authorized to continue membership for the United States in the International Sugar Organization. Beginning in fiscal year 1991 and thereafter, the United States assessed contributions to such organization may be paid from funds appropriated under the heading "Contributions to International Organizations."

## SEC. 402. REFORM IN BUDGET-MAKING AT THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) FINDINGS.—The Congress finds that:

(1) United States membership in the United Nations and its specialized and affiliated agencies serves the national security interests of the United States by promoting world peace, by enhancing protection of the global environment, by policing the use of nuclear energy, and by promoting common solutions to the afflictions of disease, hunger, ignorance and poverty;

(2) Financial and administrative reform in the United Nations system is essential so as to ensure that the vital missions of the United Nations and its specialized and affiliated agencies are efficiently executed;

(3) The United Nations and the specialized and affiliated agencies have made substantial progress toward implementation of reforms in budgetary and administrative matters, including the enactment of a United Nations resolution providing for consensus decisions on the United Nations budget;

(4) United States willingness to pay its full assessed contribution to the United Nations and each specialized and affiliated agency is contingent upon the good faith implementation of the budgetary and administrative reforms by the United Nations or such specialized and affiliated agency; and,

(5) The continued failure of the United States to pay its full assessed contribution to the United Nations and the specialized and affiliated agencies could undermine the reform program, diminish United States influence, and undermine vital United States interests.

(b) Withholding of Assessed Contributions. For any calendar year where the President determines that the United Nations or any specialized and affiliated agency is not implementing agreed upon budgetary and administrative reforms, the President shall withhold twenty percent of the United States assessed contribution to such agency. The President shall notify the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate within five days of making the determination described in this subsection.

(c) Waiver. The President may waive the withholding requirement of subsection (b) if he determines that it is in the vital national interest of the United States to pay the full United States assessed contribution to the United Nations or any specialized and affiliated agency and so reports to the Speaker of the House of Representatives and the Chairman of the Committee of Foreign Relations of the Senate within five days of issuing such waiver.

(d) Sunset Provision. This section shall have no effect after October 1, 1995.

## SEC. 403. UNITED NATIONS VOTING PRACTICES AMENDMENT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) title VII of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, is amended by adding at the end of Part A

(relating to the United Nations) the following new section:

## "SEC. 709. ANNUAL REPORT TO CONGRESS ON VOTING PRACTICES AT THE UNITED NATIONS

"(a) IN GENERAL.—Not later than 90 days after the usual suspension of the United Nations General Assembly in December of each year, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate a full and complete report which assesses, with respect to each foreign country member of the United Nations, the voting practices of the governments of such countries at the United Nations, and evaluates General Assembly and Security Council actions and the responsiveness of those governments to United States policy on issues of special importance to the United States.

"(b) INFORMATION ON VOTING PRACTICES IN THE UNITED NATIONS.—Such report shall include, with respect to voting practices and plenary actions in the United Nations during the preceding 12-month period, information to be compiled and supplied by the Permanent Representative of the United States to the United Nations, consisting of—

"(1) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which member countries supported United States policy objectives at the United Nations;

"(2) an analysis and discussion, prepared in consultation with the Secretary of State, of actions taken by the United Nations by consensus;

"(3) with respect to plenary votes of the United Nations General Assembly—

"(A) a listing of all such votes on issues which directly affected important United States interests and on which the United States lobbied extensively, a brief description of the issues involved in each such vote, and an explanation of the United States position on each such issue;

"(B) a listing of the votes described in clause (A) which provides a comparison of the vote cast by each member country with the vote cast by the United States;

"(C) a country-by-country listing of votes described in clause (A); and

"(D) a listing votes described in clause (A) displayed in terms of United Nations regional caucus groups;

"(4) a listing of all plenary votes cast by member countries of the United Nations in the General Assembly which provides a comparison of the vote cast by each member country with the vote cast by the United States;

"(5) an analysis and discussion, prepared in consultation with the Secretary of State, of the extent to which other members supported United States policy objectives in the Security Council and a separate listing of all Security Council votes of each member country in comparison with the United States; and

"(6) a side-by-side comparison of agreement on important and overall votes for each member country and the United States.

"(c) Statement by the Secretary of State.—Each report under this section shall contain a statement by the Secretary of State discussing what steps have been taken to keep United States diplomatic missions informed of United Nations General Assembly and Security Council activities."

(b) The table of contents of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989, is amended by inserting after the item relating to section 708 the following new item: "Sec. 709. Annual report to Congress on voting practices at the United Nations."

(c) The following provisions of law are hereby repealed:

(1) The second undesignated paragraph of section 101(b)(1) of Public Law 98-151 (97 Stat. 967).

(2) Section 529 of the Foreign Assistance and Related Programs Appropriations Act, 1986, as contained in section 101(i) of Public Law 99-190 (99 Stat. 1307).

(3) Section 528 of the Foreign Assistance and Related Programs Appropriations Act, 1987, as contained in section 101(f) of Public Law 99-500 (100 Stat. 1783) and section 101(f) of Public Law 99-591 (100 Stat. 3341).

(4) Section 528 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as contained in section 101(e) of Public Law 100-202.

(5) Section 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989, as contained in Public Law 100-461.

## SEC. 404. MEMBERSHIP OF THE PLO IN UNITED NATIONS AGENCIES.

No funds authorized to be appropriated by this Act shall be available for the United Nations or any specialized agency thereof which accords the Palestine Liberation Organization the same standing as member states. Notwithstanding any other provision of law, the United States may make financial contributions in support of the safeguards program of the International Atomic Energy Agency and may make voluntary contributions to support the global AIDS program of the World Health Organization.

## TITLE V—REFUGEE AND OTHER PROVISIONS

## SEC. 501. UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES AUDIT REQUIREMENT.

Section 113(a) of Public Law 99-93 is amended to read as follows:

(a) PROGRAM AUDITS.—Funds may not be available to the United Nations High Commissioner for Refugees under this or any other Act unless provision is made for—

"(1) annual program audits to determine the use of UNCHR funds, including the use of such funds by implementing partners, and

"(2) such audits are made available through the Comptroller General of the United States."

## SEC. 502. WORLDWIDE REFUGEE PROTECTION.

## (a) REFUGEE FROM THE SOVIET UNION.—

(1) FINDINGS.—The Congress finds that: (A) the recent increase in the number of Jews and other religious minority groups able to depart the Soviet Union is a significant foreign policy and human rights achievement which the United States should welcome and encourage;

(B) the current practice whereby United States refugee status is denied to some of those now leaving the Soviet Union has led to substantial increases in the numbers of Soviet refugees in Rome waiting to come to the United States.

(2) It is the sense of Congress that:

(A) the United States should reaffirm its commitment to facilitating the departure of Jews and other religious minority groups of special concern from the Soviet Union.

(B) United States refugee processing should recognize the history of persecution that is the compelling reason for Jews and other religious minority groups to leave the Soviet Union. Sufficient funds from this Act should be provided to fulfill the purpose of this section.

## (b) REFUGEES FROM INDOCHINA.—

## (1) FINDINGS.—The Congress finds that:

(A) the refugee crisis in Southeast Asia remains unresolved, and large numbers of refugees continue to flee from Vietnam, Laos, and Cambodia;

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(B) while voluntary repatriation appears to be the best solution for most of the 320,000 Cambodian refugees and displaced persons in Thailand, there are many of special humanitarian concern to the United States for whom resettlement opportunities must be preserved, including victims of torture and human rights abuses, and family reunification cases;

(C) while the overall rate of pirate attacks on refugee boats in the Gulf of Thailand is lower than in previous years, the numbers of rapes and abductions of refugees increased from 95 in 1987 to 185 in 1988, and the totals for dead and missing refugees increased more than five-fold, from 95 in 1987 to 501 in 1988;

(D) United States rejection rates of refugee applicants for the orderly departure program from Vietnam reached nearly 80 percent in 1989, while in the previous decade these rejection rates never exceeded 10 percent. This unannounced policy change is unfair to the thousands of Vietnamese who, in response to a United States invitation for an interview, have been waiting, often for many years, for an opportunity to leave Vietnam safely and legally through the orderly departure program.

(2) It is the sense of the Congress that:

(A) the United States government should work with the government of Thailand and with other countries of the region, and with refugee resettlement countries, and with the United Nations High Commissioner for Refugees, to assure that refugees and displaced persons continue to receive asylum and protection, and that resettlement opportunities for refugees and others of special humanitarian concern are maintained.

(B) first asylum countries in Southeast Asia should be urged to reinstate the practice of providing adequate refuge for all asylum-seekers, while carrying out the screening of such individuals. Efforts to combat pirate attacks on refugees should be continued and strengthened.

(C) the United States government should advocate the policy that no repatriation of asylum-seekers should occur until strong and effective procedures are in place to guarantee that such asylum-seekers will be returned to their countries of origin in conditions of safety and will not be subjected to persecution.

(D) the United States should review procedures and criteria in the orderly departure program to assure that family reunion cases and others who have received letters of introduction for the United States are given reasonable opportunities to leave Vietnam. The United States should seek to establish a special resettlement program for former "re-education camp" prisoners and their immediate families.

(c) **Refugees in SOUTHERN AFRICA—**

(1) **FINDINGS.**—The Congress finds that:

(A) the actions of the government of the Republic of South Africa in forcing Mozambican refugees to return to their violence-plagued homeland in 1988 should be condemned;

(B) the possibility exists that large numbers of Mozambican civilians in South Africa could face similar involuntary return to their homeland in 1989;

(C) the policy of the government of South Africa of deterring and preventing the entry of refugees from Mozambique by means of an electrified fence has resulted in the deaths of numerous refugees and should be condemned.

(2) It is the sense of the Congress that:

(A) the Secretary of State should urge the government of the Republic of South Africa to stop the forcible repatriation of Mozambican civilians, to dismantle the fence upon which numerous refugees have been electro-

cuted, and to invite the United Nations High Commissioner for Refugees to carry out his customary role of protecting and assisting Mozambican refugees in South Africa.

(B) the Secretary of State shall report to the Congress by September 30, 1989 as to his actions in this regard and the response of the Republic of South Africa, and shall provide a current assessment of the situation of Mozambicans in our seeking to enter South Africa.

(d) **REFUGEES IN THE HORN OF AFRICA—**

(1) **FINDINGS.**—The Congress finds that:

(A) while hundreds of thousands of refugees from Ethiopia remain in asylum in contiguous countries, serious internal violence in Sudan and Somalia has uprooted several million civilians and precipitated a major movement of refugees from both countries into Ethiopia;

(B) the government of Ethiopia and the United Nations High Commissioner for Refugees have been unable to provide adequately for the humanitarian needs of the refugees from Sudan and Somalia now in asylum in Ethiopia;

(C) continuing violence in Sudan and Somalia may lead to the arrival of additional large numbers of refugees into Ethiopia from both countries.

(2) It is the sense of the Congress that:

(A) the Secretary of the State should advise the government of Ethiopia and the United Nations High Commissioner for Refugees of the strong concern of the United States government that the situation of refugees from Sudan and Somalia should be improved to acceptable standards.

(B) the Secretary of State should urge the government of Ethiopia to permit cross-border deliveries of food and other humanitarian assistance to the people of Southern Sudan, in order to stem the further flow of Sudanese into Ethiopia.

(C) the Secretary of State shall report to the Congress by September 30, 1989 on the actions taken by the Government of Ethiopia and the United Nations High Commissioner for Refugees to improve the living conditions of these refugees; measures the United States has taken and can take to assist in this regard, and the prospects for additional refugee movements from Sudan and Somalia.

(e) **TIBETAN REFUGEES.**—Of the amounts authorized to be appropriated for the Department of State for "migration and refugee assistance" for fiscal year 1990, \$500,000 shall be made available for assistance for displaced Tibetans in India and Nepal. The Secretary of State shall determine the best means for providing such assistance.

#### SEC. 501. PROHIBITION ON EXCLUSION OR DEPORTATION OF NON-RESIDENT ALIENS.

(a) **TECHNICAL CORRECTION.**—Section 901 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (8 U.S.C. 1182 note) is amended in subsection (a) by inserting "subject to restrictions or conditions on entry into the United States," after "United States," the first place it appears.

(b) **EFFECTIVE DATE.**—Subsection (d) of Section 901 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (8 U.S.C. 1182 note) is repealed.

#### TITLE VI—GLOBAL ENVIRONMENT PROTECTION ACT

##### SEC. 601. SHORT TITLE.

This title may be cited as the "Global Environmental Protection Assistance Act of 1989."

#### PART A—COMMERCIAL AND GOVERNMENTAL DEBT-FOR-NATURE EXCHANGES

##### SEC. 610. AMENDMENT TO THE FOREIGN ASSISTANCE ACT.

The Foreign Assistance Act of 1961 is amended by inserting after chapter 6 of part I the following new chapter:

##### "CHAPTER 7—DEBT-FOR-NATURE EXCHANGES"

"**Sec. 461. DEFINITION.**—For purposes of this Act, the term 'debt-for-nature exchange' means the cancellation of the foreign debt of the government of a country in exchange for—

"(1) that government's making available local currencies (including through the issuance of bonds) which are used only for eligible projects involving the conservation or protection of the environment in that country (as described in section 463); or

"(2) that government's financial, resource, and policy commitment to take certain specified actions to ensure the restoration, protection, or sustainable use of natural resources within that country; or

"(3) a combination of assets and actions under both paragraphs (1) and (2).

##### "**Sec. 462. ASSISTANCE FOR COMMERCIAL DEBT EXCHANGES.**—

"(a) The President, acting through the Agency for International Development, is authorized to furnish assistance, in the form of grants on such terms and conditions as may be necessary, to nongovernmental organizations for the purchase on the open market of discounted commercial debt of a foreign government of an eligible country which will be cancelled under the terms of an agreement with that government as part of a debt-for-nature exchange.

"(b) Notwithstanding any other provision of law, a grantee (or any subgrantee) of the grants referred to in subsection (a) is not accountable for interest earned on either the grant money or the proceeds of any resulting debt-for-nature exchange pending their disbursement for approved program purposes.

##### "**Sec. 463. ELIGIBLE PROJECTS.**—

"(a) The President shall seek to ensure that debt-for-nature exchanges under this chapter support one or more of the following activities by either the host government, a local private conservation group, or a combination thereof:

"(1) Restoration, protection, or sustainable use of the world's oceans and atmosphere;

"(2) Restoration, protection, or sustainable use of diverse animal and plant species;

"(3) Establishment, restoration, protection, and maintenance of parks and reserves;

"(4) Development and implementation of sound systems of natural resource management;

"(5) Development and support of local conservation programs;

"(6) Training programs to strengthen conservation institutions and increase scientific, technical, and managerial capabilities of individuals and organizations involved in conservation efforts;

"(7) Efforts to generate knowledge, increase understanding, and enhance public commitment to conservation;

"(8) Design and implementation of sound programs of land and ecosystem management; and

"(9) Promotion of regenerative approaches in farming, forestry, fishing, and watershed management.

"(b)(1) In cooperation with nongovernmental organizations, the President shall seek to identify those areas, which because of an imminent threat, are in particular need of immediate attention to prevent the

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loss of unique biological life or valuable ecosystem.

"(2) The President, acting through the Secretary of State, shall encourage as many eligible countries as possible to propose such exchanges with the purpose of demonstrating to a large number of governments the feasibility and benefits of sustainable development.

**SEC. 464. ELIGIBLE COUNTRIES.**—In order for a foreign country to be eligible to participate in a debt-for-nature exchange under this chapter, the President shall determine that—

"(1) the host country is fully committed to the long-term viability of the program or project that is to be undertaken through the debt-for-nature exchange;

"(2) a long-term plan has been prepared by the host country, or private conservation group, which adequately provides for the long-term viability of the program or project that is to be undertaken through the debt-for-nature exchange or that such a plan will be prepared in a timely manner; and

"(3) there is a government agency or a local nongovernmental organization, or combination thereof, in the host country with the capability commitment, and record of environmental concern to oversee the long-term viability of the program or project that is to be undertaken through the debt-for-nature exchange.

**"SEC. 465. TERMS AND CONDITIONS.**

"(a) The terms and conditions for making a grant under this chapter shall be deemed to be fulfilled upon final approval by the President of the debt-for-nature exchange, a certification by the nongovernmental organization that the host government has accepted the terms of the exchange, and that the commercial debt has been cancelled in the agreed upon fashion.

"(b) Grants made under this section are intended to complement, and not substitute for, assistance otherwise available to a foreign country under this Act or any other provision of law.

"(c) The United States Government is prohibited from accepting title or interest in any land in a foreign country as a condition on the debt exchange.

**"SEC. 466. PILOT PROGRAM FOR SUB-SAHARAN AFRICA.**

"(a) The President, in cooperation with nongovernmental conservation organizations, shall invite the government of each country in sub-Saharan Africa to submit a list of those areas of severely degraded national resources which threaten human survival and well-being and the opportunity for future economic growth or those areas of biological or ecological importance within the territory of that country.

"(b) The President shall assess the list submitted by each country under subsection (a) and shall seek to reach agreement with the host country for the restoration and future sustainable use of those areas.

"(c) The President is authorized to make grants, on such terms and conditions as may be necessary, to United States non-governmental organizations for the purchase on the open market of discounted commercial debt of a foreign government of an eligible sub-Saharan country in exchange for commitments by that government to restore natural resources identified by the host country under subsection (a) or for commitments to develop plans for sustainable use of such resources.

"(2) Notwithstanding any other provision of law, a grantee (or subgrantee) under this subsection is not accountable for interest earned on either the grant money or the proceeds of any resulting debt-for-nature

exchange pending their disbursement for approved program purposes.

**PART B—MULTILATERAL FOREIGN ASSISTANCE COORDINATION****SEC. 620. GENERAL POLICY.**

It is the sense of the Congress that the Secretary of State should seek to develop an increased consideration of global warming, tropical deforestation, sustainable development, and biological diversity among the highest goals of bilateral foreign assistance programs of all countries.

**SEC. 621. POLICY ON NEGOTIATIONS.**

(a) **IN GENERAL.**—The Secretary of State, acting through the United States representative to the Development Assistance committee of the Organization for Economic Coordination and Development (OECD), should initiate, at the earliest practicable date, negotiations among member countries on a coordinated approach to global warming, tropical deforestation, sustainable development, and biological diversity through bilateral assistance programs that would include—

(1) increased consideration of the impact of developmental projects on global warming, tropical deforestation, and biological diversity;

(2) reduction or elimination of funding for those projects that exacerbate those problems;

(3) coordinated research and development of projects that emphasize sustainable use or protection of tropical forests and support for local conservation efforts;

(4) expanded use of forgiveness of foreign assistance debt in exchange for policy changes or programs that address problems associated with global warming, tropical deforestation, sustainable development, and biological diversity;

(5) increased use of foreign assistance funds and technical assistance in support of local conservation, restoration, or sustainable development efforts and debt-for-nature exchanges;

(6) improved exchange of information on energy efficiency and solar and renewable energy sources, and a greater emphasis on the use of those sources of energy in developmental projects; and

(7) increased use of environmental experts in the field to assess development projects for their impact on global warming, tropical deforestation, and biological diversity.

(b) **IMPLEMENTATION OF AGREEMENT.**—Negotiations described in subsection (a) shall seek to ensure that the recommended changes are implemented as quickly as possible by member countries of the Development Assistance Committee.

**PART C—INTERNATIONAL DEBT EXCHANGE INSTITUTIONS****SEC. 630.—ESTABLISHMENT OF INTERNATIONAL DEBT EXCHANGE INSTITUTION.**

(a) **POLICY.**—It is the sense of the Congress that the President, acting through the Secretary of State, should initiate negotiations with other major lender countries to establish an international institution for the purpose of facilitating exchanges of commercial debt for sustainable development and conservation purposes.

(b) **FUNCTIONS OR INSTITUTION.**—The functions of such institution shall include—

(1) identifying potential conservation projects;

(2) identifying areas in need of emergency action;

(3) finding or providing appropriate technical and financial support for conservation projects;

(4) promoting sound conservation and sustainable development projects; and

(5) evaluating project results.

(c) **GOAL OF NEGOTIATIONS.**—The negotiations should seek to conclude an agreement on—

(1) the appropriate structure of such an international institution and its independence or association with an existing institution such as the United Nations or the International Bank for Reconstruction and Development (also known as the "World Bank");

(2) the appropriate amount and form of resources that will be required from creditor countries in support of the debt exchanges, including loan guarantees, debt forgiveness, interest rate and principal reduction, and other financial incentives that will facilitate exchanges of commercial debt for conservation purposes;

(3) methods which can be used to minimize the economic impact on donor and recipient countries of the debt exchanges;

(4) criteria which debtor nations would have to meet to qualify for the debt relief;

(5) methods to ensure compliance with the terms of the debt relief;

(6) establishment of a priority system for the institution; and

(7) methods to encourage the involvement of local nongovernmental organizations in projects made possible by such institution.

**Sec. 631.—Report.**

One year after the date of enactment of this Act, the Secretary of State shall submit to the Speaker of the House of Representatives and the appropriate committees of the Senate, including the Committee on Foreign Relations, a report on steps undertaken to initiate the negotiations described in section 301, the status of the negotiations, and progress toward reaching an agreement, and recommendations for additional authority that may be needed to reach an agreement.

**PART D—SALE OF AGRICULTURAL COMMODITIES****SECTION 640.—AMENDMENT TO THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1984.**

(a) **IN GENERAL.**—The Agricultural Trade Development and Assistance Act of 1984 is amended by adding at the end the following new title:

**"TITLE****"SEC. 501. ELIGIBLE COUNTRIES.**

"Whenever the President, in consultation with the government of a developing country eligible for assistance under this Act or a private conservation group in that country, determines that such country would benefit from the sale of United States agricultural commodities for conservation or sustainable development efforts, the President may designate such a country eligible for a conservation and environmental protection program under this title. Private conservation groups acting with the support of the host government are also eligible for the program.

**"SEC. 502. FORMULATION OF PROPOSAL.**

"(a) **DEVELOPMENT OF PROPOSAL.**—A country or nongovernmental organization designated as eligible under section 501 and seeking to participate in a conservation and environmental protection program shall formulate with the assistance, if requested, of the United States Government, a multiyear proposal which shall be submitted to the President.

"(b) **CONTENTS OF PROPOSAL.**—Such proposal shall—

(1) include a plan for the intended use of the funds generated from the sale of such commodities;

(2) specify the nature and magnitude of problems to be affected by the effort;

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"(3) specify the possible impact, including environmental impacts, if the problem is allowed to continue unaddressed;

"(4) specify targets or goals to be reached by the projects, programs, or activities to be supported; and

"(5) estimate the cost and expected sources of revenue for the project.

**"SEC. 503. ALLOCATION OF SALE PROCEEDS.**

"(a) **ALLOCATION OF PROCEEDS.**—Up to 15 percent of the funds generated from the sale of agricultural commodities in a fiscal year in a country designated under section 501 which are approved by the President. Funds allocated through this program are intended to complement, and not substitute for, assistance otherwise available for a foreign country under this Act or an other law.

"(b) **ACCOUNTABILITY FOR INTEREST.**—A grantee (or any subgrantee) of the funds allocated under subsection (a) is not accountable for interest earned on such funds pending disbursement for approved program purposes."

"(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect October 1, 1989.

**PART E—MONTREAL PROTOCOL TO PROTECT THE OZONE****SEC. 604. POLICY IN FAVOR OF REOPENING THE MONTREAL PROTOCOL.**

(a) **POLICY.**—It is the sense of the Congress that the Secretary of State, in consultation with the Administrator of the Environmental Protection Agency, should request and convene, at the earliest practical date, a meeting of such parties to the Montreal Protocol as may be necessary for—

(1) a reassessment of the control measures contained in the Montreal Protocol; and

(2) adoption of additional control measures requiring the virtual elimination of all substances identified in the Montreal Protocol not later than 7 years after the date of enactment of this Act and appropriate control measures for other ozone-depleting chemicals not identified in the Montreal Protocol.

(b) **DEFINITION.**—For purposes of subsection (a), the term "Montreal Protocol" refers to the Montreal Protocol on Substances that Deplete the Ozone.

**PART F—WILDLIFE PROTECTION****SEC. 604A. ELEPHANT PROTECTION.**

(a) **FINDINGS.**—The Congress finds that:

(1) the elephant is a unique and magnificent species, the survival of which is now seriously endangered by illegal hunting and poaching, as well as by the destruction of its habitat;

(2) the demand for illegal ivory is a major cause of the illegal hunting and poaching that is now decimating elephant herds;

(3) the United States imports ivory from countries that do not enforce bans against illegal hunting or which tolerate the trade in ivory from illegally killed elephants;

(4) action to close the United States market to countries which tolerate illegal hunting of elephants or which tolerate trade in illegally killed elephants will reduce demand for ivory from illegal sources and will provide incentives to countries to enforce measures prohibiting the illegal hunting of elephants and the trade in ivory from illegal sources; and,

(5) urgent action is required if the elephant species is to be saved.

(b) **PROHIBITION.**—(1) No ivory or other elephant product may be imported into the United States or may be sold in any United States government facility if:

(A) the ivory or other elephant product originated from a country where significant numbers of elephants are killed illegally or are killed in numbers sufficient to reduce

the optimal sustainable elephant population in the country or

(B) the ivory or other elephant product was traded in a country where there is any significant trade or transit traffic in the products of illegally killed elephants.

(2) This subsection shall not apply to antique ivory.

(c) **PUBLICATION REQUIREMENT.**—Not later than six months after enactment the Secretary of State shall publish in the Federal Register a list of all foreign countries from which the imports of ivory and other elephant products are prohibited pursuant to subsection (b).

(d) **DEFINITIONS.**—For the purposes of this section:

(1) the term "ivory" includes raw ivory and worked ivory;

(2) "Significant numbers of elephants killed illegally" refers to the lesser of (A) 1,000 elephants or (B) a number killed such that the killing adversely affects the ability of the elephant herds in a country to sustain a stable population.

(3) "optimal sustainable elephant population" is the largest population that can be supported in healthy condition by the habitat in the country available for elephants.

(4) "significant trade" refers to ivory valued at more than \$200,000 or the product of more than 100 elephants.

(5) "significant transit traffic" means traffic in ivory valued at more than \$200,000 or the product of more than 100 elephants.

**SEC. 604. AUTHORIZATION FOR MEMBERSHIP IN THE INTERNATIONAL TROPICAL TIMBER ORGANIZATION**

The President is authorized to maintain membership of the United States in the International Tropical Timber Organization (ITTO).

**SEC. 604.2. AUTHORIZATION FOR MEMBERSHIP IN THE INTERNATIONAL UNION FOR THE CONSERVATION OF NATURE AND NATURAL RESOURCES**

The President is authorized to maintain membership of the United States in the International Union for the Conservation of Nature and Natural Resources (IUCN).

**SEC. 604.3. AUTHORIZATION OF APPROPRIATIONS FOR MEMBERSHIP IN WILDLIFE CONVENTIONS**

There are authorized to be appropriated to the President \$1,511,000 for fiscal year 1990 in support of U.S. participation in the following international environmental organizations and conventions of which:

(a) \$650,000 shall be available for dues and arrearages for U.S. contributions to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

(b) \$231,000 shall be available for dues and arrearages for U.S. contributions to the International Tropical Timber Organization (ITTO);

(c) \$450,000 shall be available to support U.S. participation in the World Heritage Convention; and

(d) \$180,000 shall be available to support U.S. participation in the International Union for the Conservation of Nature and Natural Resources.

**TITLE VII—TELEVISION BROADCASTING TO CUBA ACT****SEC. 701. SHORT TITLE.**

This act may be cited as the "Television Broadcasting to Cuba Act."

**SEC. 702. PURPOSE.**

The purpose of this act is to establish United States television broadcasting to Cuba.

**SEC. 703. ADDITIONAL FUNCTIONS OF THE UNITED STATES INFORMATION AGENCY.**

(a) **TELEVISION BROADCASTING TO CUBA.**—In order to carry out the objectives set forth in

section 702, and notwithstanding the limitation of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) with respect to the dissemination in the United States of information prepared for dissemination abroad to the extent such dissemination is inadvertent, the United States Information Agency (hereafter in this Act referred to as the "Agency") shall provide for the open communication of information and ideas through the use of television broadcasting to Cuba. Television broadcasting to Cuba shall serve as a consistently reliable and authoritative source of accurate, objective and comprehensive news.

(b) **VOICE OF AMERICA STANDARDS.**—Television broadcasting in accordance with subsection (a) shall be in accordance with all Voice of America standards to ensure the broadcast of programs which are objective, accurate, balanced, and which present a variety of views.

(c) **USIA TELEVISION MARTI.**—Any program of United States Government television broadcasts to Cuba authorized by this section shall be designated "USIA Television Marti Program".

**(d) FREQUENCY ASSIGNMENT.**

(1) Subject to the Communications Act of 1934, the Federal Communications Commission shall have the authority to assign by order a suitable frequency to further the national interests expressed by this Act, except that no such assignment shall result in objectionable interference with the broadcasts of any domestic licensee, and further, that no such assignment shall result in a change of frequency for an incumbent domestic licensee.

(2) For purposes of section 305 of the Communications Act of 1934, a television broadcast station established for purposes of this part shall be treated as a government station, but the Federal Communications Commission shall exercise the authority of the President under such section to assign a frequency to such station.

**(e) INTERFERENCE WITH DOMESTIC BROADCASTING.**

(1) Broadcasting by the Service shall be conducted in accordance with such parameters as shall be prescribed by the Federal Communications Commission to preclude objectionable interference with the broadcasts of any domestic licensee. The Federal Communications Commission shall monitor the operations of television broadcasting in Cuba pursuant section 703(g) of this Act. If, on the basis of such monitoring or of a complaint from any person, the Federal Communications Commission determines that broadcasting by the Service is causing any objectionable interference with the transmission or reception of the broadcasts of a domestic licensee, the Federal Communications Commission shall direct the Service to cease broadcasting and to eliminate the objectionable interference. Broadcasts by the Service shall not be resumed until the Federal Communications Commission finds that the objectionable interference has been eliminated and will not recur. The Federal Communications Commission shall not have the authority to change the frequency of an existing licensee in order to eliminate objectionable interference caused by broadcasting by the Service.

(2) The Federal Communications Commission shall take such actions as are necessary and appropriate to assist domestic licensees in overcoming the adverse effects of objectionable interference caused by broadcasting by the Service.

(f) **COMPLIANCE WITH INTERNATIONAL LAW.**—Broadcasting by the Service shall be conducted in accordance with the Interna-

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ditional Telecommunications Convention promulgated by the International Telecommunications Union of the United Nations, the Annexed Radio Regulations thereto, and all other applicable international laws and treaties. The Federal Communications Commission shall monitor the operations of television broadcasting to Cuba pursuant to section 703(h) of this Act. If, on the basis of such monitoring or of a complaint from any person or foreign nation, the Federal Communications Commission determines that broadcasting by the Service is in violation of the International Telecommunications Convention, the Annexed Radio Regulations thereto, or any other applicable international laws and treaties, the Federal Communications Commission shall direct the Service to cease broadcasting. Television broadcasts to Cuba shall not be resumed until the Federal Communications Commission finds that the Service has brought its broadcasting operation into full compliance with international law, and that the violation will not recur.

(g) MONITORING OF INTERFERENCE.—The Federal Communications Commission shall continually monitor and periodically report to the appropriate committees of the Congress violations of international law arising out of television broadcasting to Cuba under this section, and interference to domestic broadcast licensees—

(1) from the operation of Cuban television and radio stations; and

(2) from the operations of the television broadcasting to Cuba.

(h) TASK FORCE.—It is the sense of the Congress that the President should establish a task force to analyze the level of interference from the operation of Cuban television and radio stations experienced by broadcasters in the United States and to seek a practical political and technical solution to this problem.

## SEC. 704. CUBA TELEVISION SERVICE OF THE UNITED STATES INFORMATION AGENCY.

(a) TELEVISION MARTI SERVICE.—The Director of the United States Information Agency shall establish within the Agency a Television Marti Service (hereafter in this section referred to as the "Service"). The Service shall be responsible for all television broadcasts to Cuba authorized by section 703. The Director of the United States Information Agency shall appoint a head of the Service who shall report directly to the Director. The head of the Service shall employ such staff as the head of the Service may need to carry out the duties of the Service. The Service shall be administered separately from other television functions of the United States Information Agency.

(b) USE OF EXISTING UNITED STATES INFORMATION AGENCY FACILITIES.—To assure consistency of presentation and efficiency of operations in conducting the activities authorized hereunder, the Service shall make maximum feasible utilization of Agency facilities and management support, including those of the Radio Marti Program, Voice of America, and the United States Information Agency Television Service.

(c) ADDITIONAL AUTHORITIES.—The Agency may carry out the purposes of this part by means of grants, leases, or contracts (subject to the availability of appropriations) or such other means as the Agency determines will be most effective.

## SEC. 705. AMENDMENTS TO THE RADIO BROADCASTING TO CUBA ACT.

(a) Section 5 of the Radio Broadcasting to Cuba Act (22 U.S.C. 1465c) is amended—  
(1) by amending the heading to read as follows: "Advisory Board for Cuba Broadcasting";

(2) by amending subsections (a) and (b) to read as follows:

"(a) There is established within the Office of the President the Advisory Board for Cuba Broadcasting (hereafter in this Act referred to as the 'Board'). The Board shall consist of nine members, appointed by the President by and with the advice and consent of the Senate, of whom not more than five shall be members of the same political party. The President shall designate one member of the board to serve as chairperson.

"(b) The Board shall review the effectiveness of the activities carried out under this Act and the Television Broadcasting to Cuba Act and shall make recommendations to the President and the Director and Associate Director for Broadcasting of the United States Information Agency as it may consider necessary.";

(3) by amending subsection (d) to read as follows:

"(d) The head of the Cuba Service and the head of the Television Marti Service shall serve, ex officio, as members of the Board.";

(4) in the last sentence of subsection (e) by striking "The ex officio member" and inserting "The ex officio members".

(b) REFERENCES.—A reference in any provision of law to the "Advisory Board for Radio Broadcasting to Cuba" shall be considered to be a reference to the "Advisory Board for Cuba Broadcasting".

(c) CONTINUED SERVICE OF MEMBERS OF BOARD.—Members of the Advisory Board for Radio Broadcasting to Cuba as in existence on the day before the effective date of the amendment made by subsection (a) shall continue to serve for the remainder of the term to which each such member was appointed as members of the Advisory Board for Cuba Broadcasting.

(d) WAIVER.—Section 3 of the Radio Broadcasting of Cuba Act (22 U.S.C. 1465a) is amended in the first sentence by inserting before the comma "and notwithstanding the limitation of section 501 of the United States Information and Educational Exchange Act of 1948 with respect to the dissemination in the United States of information prepared for dissemination abroad to the extent such dissemination is inadvertent".

(e) EFFECTIVE DATE.—The amendment made by subsections (a) and (d) shall take effect on the date of the enactment of this Act.

## SEC. 706. ASSISTANCE FROM OTHER GOVERNMENT AGENCIES.

AUTHORITY.—In order to assist the United States Information Agency in carrying out the provisions of this part, any agency or instrumentalities of the United States may sell, loan, lease, or grant property (including interests therein) and may perform administrative and technical support and services at the request of the Agency.

## SEC. 707. AUTHORIZATION OF APPROPRIATIONS

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts under section 210, there are authorized to be appropriated to the United States Information Agency, \$16,000,000 for fiscal year 1990 for television broadcasting to Cuba in accordance with the provisions of this part.

## (b) LIMITATION.—

(1) Subject to paragraph (2), no funds authorized to be appropriated under subsection (a) may be obligated or expended unless the President determines and notifies the Speaker of the House of Representatives and the Chairman of the Committee on Foreign Relations of the Senate that the test of television broadcasting to Cuba (as authorized by title V of the Departments of

Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1989 (Public Law 100-459)) has demonstrated television broadcasting to Cuba is feasible and will not interfere with the broadcasts of licensees. The Federal Communications Commission shall furnish to the appropriate committees of congress all interim and final reports and other appropriate documentation concerning objectionable interference from television broadcasting to Cuba to domestic television licensees.

(2) Not less than 30 days before the President makes the determination under paragraph (1), the President shall submit a report to the Congress which includes the findings of the test of television broadcasting to Cuba.

(c) AVAILABILITY.—Amounts appropriated under this section are authorized to be made available until expended.

## SEC. 708. DEFINITIONS.

As used in this part—

(a) the term "licensee" has the meaning provided in section 3(c) of the Communications Act of 1934;

(b) the term "appropriate committees of Congress" includes the House Foreign Affairs Committee and the House Energy and Commerce Committee, the Senate Committee on Foreign Relations, and the Senate Committee on Commerce, Science, and Transportation; and

(c) the term "Service" means the Television Marti Service established pursuant to section 204 of this Act.

## SEC. 709. SENSE OF CONGRESS.

It is the sense of Congress that the Television Marti Service be operated in such a manner so as not to impact adversely the Cuban American community in the United States in terms of the family visits or the implementation of the November 1987 U.S.-Cuba immigration agreement; the prospects for the resumption of broadcast interference talks between the United States and Cuba; and the prospects for cooperation between the United States and Cuba in areas such as narcotics interdiction and the environment.

## TITLE VIII—POLICY PROVISIONS

## SEC. 801. POLICY ON CAMBODIA.

(a) FINDINGS.—The Congress finds that:

(1) the Khmer Rouge was responsible for the deaths of over one million Cambodians in the period between 1975 and 1979;

(2) the massacre of the Cambodian people by the Khmer Rouge constitutes a crime against humanity; and

(3) any role for the Khmer Rouge in a future government of Cambodia creates a real risk of a return to the Khmer Rouge program of genocide against the people of Cambodia;

(b) POLICY.—It shall be the policy of the United States not to support, accept, recognize, or tolerate any political arrangement in Cambodia which includes any role of any kind for the Khmer Rouge or its leaders.

(c) PROHIBITION ON ASSISTANCE.—Notwithstanding any other provision of law, no assistance of any kind shall be provided, directly or indirectly, to any Cambodian military or political group, party, or faction except as authorized by the Foreign Assistance Act of 1961, or by the annual Foreign Assistance Authorization legislation. Notwithstanding any other provision of law, no assistance of any kind shall be provided to the Khmer Rouge or to any Cambodian military or political group, party, or faction which is in alliance, coalition, or association with the Khmer Rouge or where such assistance will have the effect of promoting or abetting any future Cambodian political ar-

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angement which includes the Khmer Rouge or their leaders.

(d) EXCEPTION FOR HUMANITARIAN ASSISTANCE.—This section shall not be construed as limiting the provision of food, medicine, or other humanitarian assistance to the Cambodian people.

(e) PUNISHMENT FOR ACTS OF GENOCIDE.—The President is directed to undertake appropriate action to bring to Justice the perpetrators of Genocide against the Cambodian people in accordance with international law, including the Genocide Convention.

(f) POLICY ON CHINESE AND THAI ASSISTANCE TO THE KHMER ROUGE.—The Congress finds that assistance to the Khmer Rouge by the People's Republic of China, and facilitated by the Government of Thailand, contributes significantly to the viability of the Khmer Rouge as a political and military force in Cambodia. The Congress declares that the continuation of such assistance could harm significantly future U.S. relations with the People's Republic of China and Thailand. The Secretary of State is requested to communicate the policies contained in this section to the Governments of the People's Republic of China and of Thailand.

(g) ENACTMENT.—This section shall take effect on enactment.●

**Mr. BIDEN.** The steady drumbeat of news on the environment during the past 2 years has developed an ominous tone. Nearly every aspect of our globe's health has been shown to be on a serious downward trend, or worse than expected. In the United States, we pump well over 22 billion pounds of wastes into our Nation's air, ground and waters every year. Productive estuaries are devastated by oil spills of incredible proportions. Smog is a health threat to millions of urban residents. Acid rain damages entire regions.

On the global level, evidence that man is dramatically, and possibly unalterably, changing the world's climate is gaining in credibility. Scientists have discovered that chlorofluorocarbons [CFC's] do not simply disappear into thin air. They become destructive particles in the highest reaches of our atmosphere. Carbon dioxide released from the burning of fossil fuels does not harmlessly dissipate. It increases in concentrations in the atmosphere to the point that massive disruptions in Earth's weather patterns are possible.

Changes that will be required to slow and stabilize the presence of so-called greenhouse gases reach to the most basic aspects of everyday life in the industrialized and developing world. It does not mean a return to the stone age; that is an argument for those who do not want to face up to the damage we are causing. It does mean a new look at actions that were thought to be relatively innocuous a decade ago, such as the use of styrofoam cups, how our automobile air-conditioners are recharged, or even what type of lightbulbs we use.

The characteristics of this problem—the long lead time involved, the ocean's ability to store carbon dioxide only to release it years later, thereby disguising the extent of the damage—represents a unique situation in which

we must drop the preference for clear and indisputable evidence. We must act on the preponderance of proof that is developing. It will require political leaders of all stripes to take the most unusual step of taking serious account of consequences on a time horizon beyond the next election.

The potential effects of a rise in the Earth's temperature has elevated environmental concerns to a level unseen before. At a hearing before the Foreign Relations Committee last month, George Kennan pointed to the growing international environment crisis as an equal to the threat posed by the weapons of mass destruction. Ambassador Kennan stated:

[T]he general lesson of what [scientist] are telling us is that we have a much shorter time than we think to put things to rights on this planet if our descendants are going to have any sort of civilized life in it . . . We are going to have to take the leadership. There is no other country that could do it as we could it in bringing . . . the whole international community together in a far-reaching attack on this problem of the deterioration of the environment of the planet for the sustaining of human life.

As Ambassador Kennan went on to state, there is an unexpected degree of recognition of this problem, an extraordinary acknowledgement that the risks are monumental. This is a mandate for action that we can build on. The wider the recognition of the threat global warming poses, the harder it will be for countries to sit on the sidelines. It is almost a valuable attribute of global warming that it cuts both ways—none escape blame for its cause and none escape its effects.

Mr. President, as with any threat that has yet to manifest itself, there are those who urge delay. Several arguments have been raised in support of this course of inaction. Everyone can claim that they are only a small part of the problem. Even the United States, the world's largest emitter of greenhouse gases, could make this claim based on our roughly 25 percent share of the problem.

But the fact that none of us can be fingered as the sole culprit does not mean we are all innocent, it means we are all responsible. It means each nation of the world must look to its own activities that contribute to this international problem and act appropriately.

For the United States, it means we must cut our carbon dioxide emission, our CFC emissions, our nitrogen oxide emissions. For Europe it may mean much of the same. For developing countries, it means a review of their logging or agricultural policies, and finding a new path of economic growth.

But for no one does it mean a retreat of standards of living, unless we move on this problem without thinking. The suggestions that the environment has to be abused for development to move forward must be rejected. Indeed, the record too often shows that destruction of the environment is the surest

way to undermine long-term development.

Mr. President, there is a second argument which, in effect, puts off action on global warming. The assertion that we cannot help other countries prevent their environmental disasters until we have addressed all of ours. I find this notion to be a dangerous excuse for other countries to resist action.

We do not have a perfectly operating economy, our hands are not completely clean, but it is only in recent years that the realization has grown of how dirty they are. Other countries are looking at their own. The human race cannot allow the question of who has the dirtier hands to obscure the issue that we all need to wash up.

That is why I rise to state my strong support for the global warming provisions of the international environment title of the State Department reauthorization bill Chairman PELL is introducing today. Senator LUGAR, Senator PELL, and I have all worked to develop the details of the provisions and to incorporate them into this bill. They will provide immediate resources to an innovative approach to encouraging environmental projects and programs in developing countries.

The program provides support for so-called debt-for-nature swaps. Through these swaps, nongovernmental organizations [NGO's] have purchased commercial debt of a developing country at a steep discount to its face value. The NGO's have then exchanged that debt for a commitment of funds and resources by the host government in support of a defined environmental project.

Thomas Lovejoy of the Smithsonian Institution is considered the father of this idea, a tremendous mechanism to multiply the value of each dollar invested in an environmental project. A number of these exchanges have been completed, including swaps in Ecuador, Costa Rica, the Philippines, and Bolivia. There are dozens of other countries that would benefit from swaps of this kind. It is our intention to offer an amendment in committee to provide an authorization of up to \$50 million for this program.

The program also urges the Secretary of State to increase consideration of environmental effects of development projects among all nation's foreign assistance programs. The institution is in place to do this: the Development Assistance Council [DAC] of the Organization of Economic Cooperation and Development.

Through the DAC, all the world's major donors meet to discuss their strategies and experiences with development assistance. As debt-for-nature exchanges multiply the value of the dollar invested in the swap, so coordination of bilateral assistance programs can dramatically increase the resources brought to bear on environ-

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